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New York

President:	Mr. Natalegawa	(Indonesia)
Members:	Belgium	Mr. Verbeke
	China	Mr. Liu Zhenmin
	Congo	Mr. Okio
	France	Mr. Ripert
	Ghana	Mr. Tachie-Menson
	Italy	Mr. Spatafora
	Panama	Mr. Arias
	Peru	Mr. Voto-Bernales
	Qatar	Mr. Al-Nasser
	Russian Federation	Mr. Churkin
	Slovakia	Mr. Matulay
	South Africa	Mr. Kumalo
	United Kingdom of Great Britain and Northern Ireland	Sir John Sawers
	United States of America	Ms. Wolcott

Agenda

Protection of civilians in armed conflict

Report of the Secretary-General on the protection of civilians in armed conflict (S/2007/643)

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07-60503 (E)

The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

Report of the Secretary-General on the protection of civilians in armed conflict (S/2007/643)

The President: I should like to inform the Council that I have received letters from the representatives of Angola, Argentina, Australia, Austria, Canada, Colombia, Guatemala, Iceland, Israel, Japan, Liechtenstein, Mexico, Nepal, New Zealand, Nigeria, Norway, Portugal, Senegal, Switzerland and Viet Nam, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, the representatives of the aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

It is so decided.

In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Angelo Gnaedinger, Director-General of the International Committee of the Red Cross.

There being no objection, it is so decided.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2007/643, which contains the report of the Secretary-General on the protection of civilians in armed conflict.

I welcome the participation of the Secretary-General, His Excellency Mr. Ban Ki-moon, at this meeting and invite him to take the floor.

The Secretary-General: Let me begin by expressing my gratitude to you, Mr. President, for chairing this important debate on the protection of civilians in armed conflict.

Today is a fitting day for such a meeting. On this day in 1945, the trial of the major war criminals began at Nuremberg. The Nuremberg trials had a profound influence on the development of international law. They had an important bearing on the notion of individual criminal responsibility for atrocities committed against civilians in armed conflict. They underlined that, even in war, certain acts are unacceptable, and they reflected the world's conviction that civilians are entitled to protection.

Sixty-two years later, civilians continue to pay a dreadful toll in today's conflicts — in the Sudan, Somalia, Afghanistan and Iraq. In those and other conflicts, large numbers of civilians — women, girls, boys and men — suffer unimaginable violations of international humanitarian law and international human rights law. As I state in my report now before the Council (S/2007/643), some victims are simply in the wrong place at the wrong time. Others are deliberately targeted and subjected to appalling human rights abuses, in an environment of almost total impunity. Deliberate attacks against civilians are often employed as an instrument of warfare. That is why the protection of civilians is, and must remain, an absolute priority — for me as Secretary-General, for the United Nations, for the Security Council and, above all, for Member States, with whom rests the primary responsibility for protecting civilians.

There has been some progress in recent years towards strengthening the protection of civilians. We see increased levels of humanitarian action and more regular inclusion of protection activities in

peacekeeping mandates. Greater attention is also being placed on humanitarian issues during mediation processes, and ultimately and on preventing disputes from degenerating into violence in the first place, so as to spare civilians from the horrors of war. Around the world, we see increased momentum towards combating impunity for war crimes and crimes against humanity.

At the World Summit in 2005, all the world's Governments agreed in principle to the responsibility to protect. I will work with Member States and civil society to translate that concept from word to deed to ensure timely action when populations face genocide, ethnic cleansing or crimes against humanity.

The Council has taken a number of important steps, including the adoption, last year, of resolution 1674 (2006), on the protection of civilians. The resolution establishes an important framework for action. Here, too, we must now work together to translate that text into real action. In my report, I have tried to show ways in which that may be done. The Emergency Relief Coordinator will elaborate on those recommendations in greater detail. However, allow me to mention one of the proposals: the establishment of a Security Council working group on the protection of civilians.

I believe that the establishment of such a group is an important next step, perhaps even an inevitable next step, in the evolution of the Council's consideration of the protection of civilians. It would underline the Council's commitment to this cause. It would give practical meaning to the Council's commitment. It would ensure more timely and systematic consideration of the protection of civilians in the Council's deliberations. It would assist the Council to move decisively towards practical implementation. That ultimately is where the Council's words must have the most meaning: on the ground, in support of the affected civilians who need protection from the shocking indignities of armed conflict.

The plight of children in armed conflict is particularly disturbing. Eighteen years ago today, the General Assembly adopted the Convention on the Rights of the Child. Eleven years later, it adopted the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. Yet these instruments have yet to be translated into reality. Every year, thousands of children are killed or wounded as a direct result of fighting, and the number of child soldiers around the world is estimated at 250,000.

We saw progress in 2005 when the Security Council adopted resolution 1612 (2005), which established the Working Group on Children and Armed Conflict. Thanks to the resolution's monitoring and reporting mechanism, the Council is now in a much better position to take effective measures against perpetrators of grave violations of the rights of children in armed conflict.

Another vital tool is the work of my Special Representative for Children and Armed Conflict, Ms. Radhika Coomaraswamy. By carrying out field visits and consulting actively with the concerned parties, she helps ensure that they fulfil their child protection responsibilities. My Special Representative, in collaboration with the entire United Nations system, also works to support the demobilization of child combatants and their reintegration into their communities.

The Council has mandated peacekeeping operations to assist with the protection of civilians within the limits of their capabilities and areas of deployment. It is critical that peacekeeping operations be empowered with the resources and political support they need to implement their mandates. I see Darfur as a test case, where all concerned must collectively meet the challenges of deploying an effective mission and achieving a peace agreement.

We must also ensure safe, timely and unhindered humanitarian access to those in need, wherever required. Access is the fundamental prerequisite for humanitarian action and protection. For millions of vulnerable people caught in conflict, being accessible to humanitarian workers is often their only hope and means of survival. I would like to emphasize the importance of regular reporting to the Council by the Emergency Relief Coordinator on humanitarian access concerns. I believe that that is critical.

Also critical is the need for concerted action in response to particularly grave situations. The Council must act to ensure that those in need of lifesaving assistance receive it and that those who provide it do so in a secure environment. Attacks against humanitarian workers should never be tolerated. I trust that the Council will have a fruitful debate on this vital issue, which is key to achieving sustainable peace around the world.

The President: I thank the Secretary-General for his statement.

At this meeting, we will hear a briefing by Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. I now give the floor to Mr. Holmes.

Mr. Holmes: I am grateful for this opportunity to brief the Council on the protection of civilians in armed conflict and, more specifically, on the report of the Secretary-General (S/2007/643) before the Council today. I believe the specific recommendations for action in the report will be critical to more systematic consideration by the Council of protection of civilian concerns and the implementation of the Council's landmark resolution 1674 (2006).

A leap of imagination is not always easy to make, sitting in this warm and comfortable Chamber, but let us remember the essential background. Throughout the world's conflict zones, people live under almost constant threat of being attacked in their homes, of having their lives, or those of their families, wrecked as they travel to work or to school, to visit the market or to worship. They risk random killing, violence and abduction, harassment and discrimination. They risk being forced to take up arms, sometimes even against their own families and communities, in the most brutal ways. They risk torture, rape and abuse. They risk, above all, being forced from their homes and their land, forced into a downward spiral of opportunities lost forever, lasting dependency and destitution in temporary and inadequate shelters that often become urban slums.

A case in point is the growing toll on civilians in Somalia from fighting between insurgent groups and Ethiopian and Government forces. I urge all parties to the conflict to refrain from indiscriminate attacks affecting civilians. And I call on the Council to remind all forces of their responsibilities under international humanitarian law. Reports of civilian suffering in the Ogaden region of Ethiopia, as a result of fighting between the Ethiopian forces and the Ogaden National Liberation Front (ONLF) rebels, are also of increasing concern.

Likewise, in a different but similarly worrying context, the situation in the occupied Palestinian territory, particularly in Gaza, is reaching the limits of what is bearable for any community. The combination of access restrictions even for humanitarian deliveries, economic deprivation, Israeli military incursions and aerial attacks and intra-Palestinian violence is driving the civilian population into a situation where the risk of provoking even more violence and tragedy is only too evident.

And in Darfur, too, the humanitarian issues grow ever more worrying, as the violence increases once again, resulting in yet more deaths, more displacement and more relocations of humanitarian personnel.

These are three situations of particular current concern. But, as reported to the Council before, civilians are also frequently the victims of attacks in places like Afghanistan, the Central African Republic, the Democratic Republic of the Congo, Sri Lanka and Iraq. Such attacks are often aimed deliberately at instilling fear, destabilizing civilian populations and forcing displacement. Suicide attacks are a particularly disturbing manifestation of that, given their often intentionally indiscriminate nature. This was demonstrated with chilling effect earlier this month when a suicide bombing in the northern Afghanistan province of Baghlan led to the deaths of scores of civilians, including many schoolchildren.

Incidentally, let me take this opportunity to correct a misleading impression given by one sentence in paragraph 22 of the report, which was intended to say that suicide attacks are a feature in an increasing number of countries, mentioning Afghanistan, Iraq, Israel and Somalia, but which could be read as suggesting, incorrectly, that suicide attacks are increasing in each of those countries, including Israel, which is not the case.

Targeting civilians shows blatant contempt for the fundamental principles of international humanitarian law, including its basic tenets: the principles of distinction and proportionality. It also often presents Member States with the daunting challenge of how to respond to such violence, particularly when perpetrated by non-State armed groups, whose members are often difficult if not impossible to identify. What is clear, however, is that any military response must itself comply with international humanitarian law as well as show respect for the human and cultural dignity of those already exposed to insurgent attacks.

Previous reports on the protection of civilians as well as the Council's aide-memoire (S/PRST/2002/6, annex), have outlined a broad range of concerns and proposed actions. Unfortunately, as the nature of

conflict evolves, so do the issues of protection. The present report makes a number of proposals with regard to compliance with international humanitarian law in situations of asymmetric warfare, the use of cluster munitions and accountability. But I would like to focus my remarks today on four of the actions presented in the report: on combating sexual violence; on ensuring rapid and unimpeded access; a more systematic and proactive action to address housing, land and property issues; and the establishment of a Security Council working group on the protection of civilians.

First, there is an unequivocal need for more concerted and innovative action to prevent and respond to sexual violence in armed conflict. The report contains a number of recommendations to this end addressed to Member States, with whom the primary responsibility lies for preventing and addressing sexual violence. But combating sexual violence, and the impunity on which it thrives, requires a rethink of how we use the tools at the disposal of the international community and, in particular, the Security Council.

We need, for instance, to look at referring situations of grave incidents of rape and other forms of sexual violence to the International Criminal Court (ICC). In addition, or as an alternative, we may even need to look at imposing targeted sanctions against States or non-State armed groups that flagrantly perpetrate or support such crimes. I fully appreciate that the latter, in particular, would be a complex undertaking. However, complexity cannot be an excuse for inaction in the face of these appalling crimes.

Also, as recommended in the report, in situations where local justice mechanisms are overwhelmed, the Council should look for creative ways to support States to hold the perpetrators of sexual violence accountable, for example, through the establishment of special ad hoc judicial arrangements.

This would, I believe, be a particularly important step in relation to the Democratic Republic of the Congo. As I noted in my briefing to the Council following my mission to the Democratic Republic of the Congo in September, to do justice to the women of that country, we cannot be satisfied with just treating the wounds inflicted by sexual violence; we have to find better ways to stop it. The Council should send a clear message of deterrence by treating serious acts of sexual violence for what they are — war crimes and crimes against humanity that should no longer be tolerated.

The second action is access — an essential, if not the most essential element of our efforts to provide assistance and protection. The Council has on several occasions underlined the need for all relevant parties, including non-State actors and neighbouring States, to cooperate fully with the United Nations in providing safe, timely and unimpeded access to civilians in armed conflict. Yet as the report brings out, constraints on access are many, varied and, in a number of places, the rule rather than the exception. The result is millions of people excluded from access to life-saving assistance and the minimal protection provided by the mere presence of humanitarian workers. Constraints on access should have consequences for those that impose them and not just for those who suffer from them.

Alarmingly, in a number of the countries referred to in the report, already critical situations have deteriorated still further. In Somalia, for example, fighting in Mogadishu has led to an increase in the number of internally displaced to an alarming one million people, while thousands of others are trapped in their homes, unable to reach safety, let alone assistance.

In the meantime, humanitarian agencies are increasingly treated with suspicion by the parties to the conflict and their activities impeded. A recent example of this was the forcible detention of the head of the World Food Programme (WFP) by the Somali National Security Service in October.

Elsewhere, the expulsions earlier this month of the Humanitarian Coordinator in Myanmar and the head of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in South Darfur, impede our efforts to provide assistance and protection in already difficult circumstances. Of particular concern is the fact that security incidents involving humanitarian staff continue to mount and to undermine our ability to provide life-saving assistance. The Secretary-General's report on the safety and security of humanitarian personnel notes that between July 2006 and June 2007 there were 507 violent attacks directed against United Nations personnel, 442 incidents of harassment and intimidation, 534 cases of robberies, 232 physical assaults, 126 cases of hijacking and 273 reported cases of arrest and detention by State and non-State actors. Those figures do not include similar

attacks and incidents involving the staff of non-governmental organizations (NGOs), who are often present in greater numbers and more places than United Nations personnel.

During a similar period, attacks, for example, against United Nations and NGO staff in Darfur, increased by 150 per cent. Only last month, seven humanitarian workers were killed; ten vehicles were hijacked and seven convoys were ambushed. In Afghanistan, the WFP has suffered unprecedented attacks on its food aid convoys in the past 11 months. More than 30 incidents involving WFP trucks have been reported this year, against five in 2006.

As requested by the Council, OCHA is developing a monitoring and reporting mechanism to facilitate more in-depth analysis of the causes and consequences of access constraints. This analysis will be annexed to future reports on the protection of civilians and included in my regular briefings to the Council. Such analysis will provide an important opportunity for action in response to particularly grave situations. It will also produce an expectation of action by the Council. And, in my view, justifiably so.

To overcome some of the less obvious obstacles to access, we need to give serious consideration to the development of a standard moratorium on immigration and customs requirements for humanitarian workers and supplies. But in particularly grave cases, the Council should consider concerted advocacy and negotiation with warring parties for the establishment of "deconflicting" arrangements, for example, high-level diplomacy to promote humanitarian corridors or days of tranquillity where these can make a real contribution. Last but not least, the Council should hold situation-specific debates on access and even, where appropriate, consider referring grave instances of denial of access, as well as situations involving attacks against humanitarian workers, to the International Criminal Court. Denying access exacerbates malnutrition and disease, increases civilian deaths and prolongs human suffering. There should be no impunity for those responsible.

Thirdly, there is the critical need to address more effectively, and much earlier on, housing, land and property issues, often at the origins of conflict and almost always a result of conflict, as people leave or are forced from their homes and their land. The resolution of such issues is inevitably linked to the achievement and consolidation of lasting peace and the prevention of future violence. In Darfur for example, after four years of conflict and continuing displacement, reaching common agreement on land tenure and compensation for the loss of property has emerged as a key element of a sustainable peace.

Recording loss of land, homes, or property, upholding rights and entitlements, reinforcing the right to return as a means of demonstrating our non-acceptance of ethnic cleansing or sectarian violence, and mediating disputes in areas of return — all these should become standard measures, even while conflict continues. This means ensuring that mechanisms are in place at the national level to address such issues. And it means equipping peacekeeping missions with the mandate, tools and expertise required to promote and support these national efforts.

Finally, whereas the first years of establishing the protection of civilians on the Council's agenda were dedicated mostly to raising awareness of the issues and then to developing possible tools, we have now reached a critical new phase in our collective efforts to implement resolution 1674 (2006). Establishing a Council working group on the protection of civilians, as suggested in the Secretary-General's report, would mark this new phase. I am not suggesting the establishment of a heavy reporting mechanism similar to the Working Group on Children and Armed Conflicts. Rather, we would like to see a regular forum for timely consultation on protection of civilians' concerns between the Council in its entirety and OCHA and other relevant departments.

We believe this would help ensure a more consistent application of the aide-memoire and other protection of civilians concerns in the Council's deliberations, for example on the establishment or renewal of peacekeeping mandates and other relevant missions, the development of draft resolutions, and presidential statements.

I realize that these are all significant proposals for the Council and its working methods and require further deliberation.

Fundamental to the protection of civilians is the resolution of the conflicts which cause their suffering. The United Nations in all its aspects certainly needs to do more to that end, but beyond that, the systematic implementation of resolution 1674 (2006) and the measures contained in an updated Council aide-

memoire on the protection of civilians would show real commitment to the millions of victims. That would send a message whose impact would reverberate around all the conflicts that civilians face throughout the world.

The President: In accordance with the understanding reached among Council members, I wish to remind all speakers to limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate their texts in writing and to deliver a condensed version when speaking in the Chamber.

I shall now give the floor to the members of the Council.

Mr. Verbeke (Belgium) (*spoke in French*): I wish at the outset to thank the Secretary-General for his report and statement, and Under-Secretary-General John Holmes for his very relevant comments on the subject of our debate today.

Belgium aligns itself with the statement to be made by our Portuguese colleague on behalf of the European Union.

The protection of civilians in armed conflict is a key element of international humanitarian law. The sixth report on the protection of civilians submitted by the Secretary-General reveals the extent of the challenge before us and in that context suggests a series of actions that warrant not only thorough discussion on the part of the Council, but also a strengthened follow-up by the Security Council.

At the United Nations World Summit in the autumn of 2005, we all acknowledged and accepted the principle of the responsibility to protect, which the Secretary-General has just recalled in all of its importance. As we all know, the principle reaffirms States' obligation to protect their own population against such grave crimes as genocide, crimes against humanity, war crimes and ethnic cleansing. If States refuse to accept that responsibility or are unable to fulfil it, it falls to the international community. In that context, the Security Council must assume its role and ensure the implementation of the principles agreed by all Member States.

In that respect, we are pleased by the special attention that the Secretary-General has devoted to that problem, as demonstrated in his recent appointment of Mr. Francis Deng. Belgium hopes that the pending issues related to his mandate will soon be resolved.

I will focus my statement on a few dimensions of the situation under discussion today: the question of humanitarian access, the scourge of sexual violence as a weapon of war, and the matter of cluster munitions.

In conflict zones, access to the people affected is not always guaranteed. Such access is a prerequisite to any humanitarian action, as are the safety of humanitarian and United Nations personnel on the ground. The nature of the obstacles differs from conflict to conflict. In that regard, the speedy identification of those obstacles is critical, as it can help to save lives. We must therefore consider how best to further involve the Office for the Coordination of Humanitarian Affairs.

Last month, during the Security Council's open debate on strengthening the implementation of resolution 1325 (2000) on women and peace and security, we noted the growing scourge of sexual violence, in particular in situations of armed conflict. The situation that prevails, inter alia, in the eastern part of the Democratic Republic of the Congo is most disturbing, as confirmed by the Secretary-General's report. It is not only the extent of the phenomenon that is shocking, but also the barbarity of such actions and the methods employed. That practice is particularly repugnant when used as a weapon of war.

It is clear that the convening of a Security Council debate is not enough to end that scourge. The Council must pay more systematic attention to the phenomenon and address it head on. In that context, Belgium welcomes the efforts made by the United Nations Organization Mission in the Democratic Republic of the Congo and by the recent creation of an internal task force devoted to issues of sexual violence against women in the Democratic Republic of the Congo.

More generally, it is crucial to recall and to stress, as does resolution 1674 (2006), States' responsibility to end impunity and to bring to justice the perpetrators of genocide, crimes against humanity, war crimes and other flagrant violations of international humanitarian law. We have several instruments at our disposal, including the International Criminal Court and mechanisms of transitional justice. In the case of the Democratic Republic of the Congo, an important contribution to that goal could be made by the mapping

exercise currently being carried out by the Office of the High Commissioner for Human Rights with respect to serious human rights violations committed from 1993 to 2003.

The use of cluster munitions wreaks unacceptable harm on civilian populations, even after a ceasefire or the cessation of hostilities is declared. Belgium is therefore working for the adoption, following an open and inclusive process, of a legally-binding instrument to ban cluster munitions. Such an instrument, we feel, should entail commitments with respect to the destruction of stockpiles, provide for assistance to victims and include provisions on international cooperation.

To that end, on 30 October, we hosted in Brussels a European Regional Conference on Cluster Munitions. The principle statements and the conclusions of the rapporteurs highlighted positive developments in the positions that were expressed, identified certain areas of agreement, and stressed something that I feel to be just as important: specific issues to be addressed with a view to the negotiation of a future treaty. The international momentum of which the Brussels conference was part will, of course, continue in the context of the Oslo process.

In conclusion, Belgium believes that the humanitarian dimension of a conflict should be better integrated into the Council's work. We therefore support any effort to provide more systematic consideration of the protection of civilians in armed conflict by the Security Council.

Mr. Churkin (Russian Federation) (*spoke in Russian*): We are grateful to the Secretary-General for preparing his very thorough report. We share his concern over the high number of refugees and internally displaced persons throughout the world.

According to the report, poor leadership is in evidence in Iraq. Known events in that country have created more than 2 million refugees and 2.2 million internally displaced persons. Their problems must be resolved as soon as possible. In addition to the strictly humanitarian dimension, they loom as an onerous burden on neighbouring countries. The scope of internal displacement from Darfur — some 240,000 people — is also a cause for serious alarm. Prospects for improvement in the situation will depend above all on the peace talks and the deployment of the African Union-United Nations Hybrid Operation in Darfur.

The responsibility to protect civilians falls first and foremost to the Governments of States in conflict. We believe that such responsibility should also be borne in mind by non-State actors. We condemn the actions of armed groups, in particular the use of suicide bombers and the practice of hostage-taking. Civilians should not be deliberately attacked or killed by the indiscriminate or excessive use of force, which is also a violation of international humanitarian law.

The Secretary-General rightly notes the alarming trends towards the erosion of principles related to distinction and proportionality. In this respect, in particular, we support his call for the multinational forces in Iraq and Afghanistan to include concrete information in their quarterly reports to the Council on actions to protect civilian populations.

We are becoming more and more concerned about the activity of private security companies which often flagrantly violate the rights of civilian populations. One thinks especially of the conduct of such companies in Iraq, with the wounding and death of civilians, including children and women. We would expect the facts of the suffering of children to be reflected in the UNICEF note submitted to the Council's Working Group on Children and Armed Conflicts. We emphasize the requirement that the staff of these types of companies should comply scrupulously with the norms of international law, both as they apply to times of the armed conflict and as they apply to human rights. We would especially note that, in cases that are unclear from the standpoint of current international law, responsibility for the actions of these organizations should be borne by the States hiring them; or, alternatively, one could consider the staff of such security firms as mercenaries.

Like the Secretary-General, we welcome the initiative of the Government of Switzerland and the International Committee of the Red Cross to consider questions at the intergovernmental level on the use of private military and security firms in the context of compliance with international humanitarian law. We note the Secretary-General's balanced treatment of the concept of responsibility to protect as the responsibility of each State for the protection of individuals in their jurisdiction from genocide, war crimes, ethnic cleansing and crimes against humanity. It is the job of the United Nations and of the Security Council to support these national efforts.

However, here it would be premature to talk about the functions of the so-called Special Representative on the Prevention of Genocide and Mass Atrocities, whose mandate is not yet agreed with the Security Council. In our view, the Secretary-General should provide the Council with clarifications and specific proposals on the broadening of the Special Representative's mandate. This would help us to clarify what exactly is meant by the term "mass atrocities" and how the new mandate would interface with the work of other agencies in the United Nations system.

We should study the Secretary-General's proposed actions on the conduct of hostilities, on prevention of sexual violence, humanitarian access and property rights. Consideration of such measures should, of course, be non-selective from the standpoint of the conflict situations involved.

With respect to Action five in the Secretary-General's report, namely, to create a Security Council working group on the protection of civilians, the advisability of this very bureaucratized action step gives us strong reservations. Not more than a month ago, a similar proposal was introduced in the Council's thematic discussion on women, peace and security — which raises the question of how many working groups the Council needs to create, bearing in mind that in the Secretary-General's report individual chapters are also assigned to the elderly, persons with disabilities, journalists and many other subjects for so-called thematic discussions.

Instead of establishing new bureaucratic structures and discussions, the United Nations should expeditiously and effectively react to instances of violence against civilians and the destruction of civilian sites during armed conflict. It is important to strive for scrupulous compliance by all parties with the norms of international humanitarian law and the relevant decisions of the Security Council. The most direct way to resolve all problems is through the responsible conduct of all States.

Mr. Liu Zhenmin (China) (*spoke in Chinese*): The Chinese delegation wishes to welcome Secretary-General Ban Ki-moon to our meeting and thank him for his statement. We would like to express our thanks to Under-Secretary-General Holmes for his briefing and our appreciation for all his efforts and the large amount of work he has carried out in the field since he took office about a year ago. We also commend the relevant United Nations bodies for their work in the humanitarian field over the years.

The protection of civilians in armed conflict has been a classic item for the United Nations since the Organization's founding. The international community has established for this purpose a comparatively complete international humanitarian legal framework, with comprehensive provisions contained in the relevant international legal instruments, including the 1949 Fourth Geneva Convention and the two Additional Protocols of 1977. The Security Council has been considering this issue for nearly a decade and has adopted numerous resolutions and presidential statements. All the aforementioned has provided guidance for the practical work in the protection of civilians in armed conflict.

However, with the change of the characters of conflicts and the emergence of new factors, and as a result of the interlinkage of complex historical, political, territorial, religious and resource-related issues, we are still witnessing the sad situation in which large numbers of civilians are affected, harmed and devastated by armed conflict. We strongly urge parties to conflicts to abide strictly by international humanitarian law and the relevant Security Council resolutions and to fulfil their corresponding obligations to protect the lives, property and legitimate interests of civilians.

In order to improve the work in the protection of civilians in armed conflict, it is necessary to enhance international cooperation and to give full play to the role of international bodies, the Government concerned and humanitarian bodies. There is need to emphasize protection and humanitarian relief and to ensure compliance with international law, as well as to pay attention to conflict prevention. I wish to emphasize the following points.

First, the Security Council should continue to fulfil its primary responsibility of maintaining international peace and security, in accordance with the United Nations Charter, and play its unique role in the protection of civilians. It is necessary to intensify efforts in preventing and resolving conflicts and in peacebuilding, so as to provide a secure environment for civilians — which is, in the end, the most effective protection. This requires cooperation between the Security Council and other relevant United Nations bodies and only when the Council functions within its

spheres of competence can it play its proper part in this integrated undertaking.

Secondly, it is necessary always to bear in mind the need to respect the role of Governments in the protection of civilians and to let them play this role. Governments bear the primary responsibility to protect their civilians. While the international community and outside forces can provide help, the provisions of the Charter must be followed in doing so, and care must be taken not to undermine the sovereignty and territorial integrity of the country concerned. Even when outside support is necessary, the will of the country concerned must be fully respected and forcible intervention avoided. The internal judicial organs of the country concerned should also be allowed to play a bigger role in ending impunity.

Thirdly, humanitarian relief work should be carried out in a judicious and effective manner, in accordance with the principles of fairness, neutrality, objectivity and independence. Humanitarian relief is very important in the protection of civilians and constitutes an indispensable link in efforts to address any conflict situation. However, it is necessary to ensure the credibility and humanitarian nature of humanitarian relief work, which should comply with international humanitarian law and should not replace or interfere in conflict resolution and political process. We find it deplorable that certain bodies use humanitarian relief as a pretext to engage in illegal activities in conflict regions.

Fourthly, the concept of the responsibility to protect should be interpreted and applied in a prudent and accurate manner. The Outcome Document of the 2005 World Summit contains detailed elaboration and provisions on the responsibility to protect and stipulates explicitly that this concept should be discussed by the General Assembly. The Security Council should not become a forum for extrapolating this concept or engaging in other similar legislative activities, because that is a task for the whole membership of the United Nations. At present, this concept is not yet mature, and many Member States have considerable concerns about it. The relevant discussions should be held within the framework of the General Assembly, and the Security Council should not prejudge the result of such discussions.

Fifthly, the Security Council should continue to address the protection of civilians in the context of specific conflicts. Each conflict has its own causes and characteristics, and efforts to address humanitarian problems, including the protection of civilians, cannot be separated from the peace process and political situation of a specific conflict. The protection of civilians cannot be addressed in isolation, nor can superficial symptoms be our sole concern. Since the country-specific consideration mechanism of the Council has been effective, and in order to avoid overlap and repetition, we are not in favour of establishing a special working group on the protection of civilians.

Finally, we are willing to work together with other members of the Council to strive for more constructive results in the protection of civilians in armed conflicts through pragmatic and effective efforts.

Mr. Arias (Panama) (*spoke in Spanish*): First, allow me to express our sincere gratitude to you personally, Mr. President, and the delegation of Indonesia for having convened this important debate on the protection of civilians in armed conflict. Similarly, we would like to express our gratitude for the detailed report of the Secretary-General (S/2007/643) and the briefing by the Under-Secretary-General for Humanitarian Affairs, which highlighted the urgency with which we must respond to this issue.

The Security Council, in its resolution 1674 (2006), reaffirmed its condemnation of attacks that are deliberately aimed at civilians as a flagrant violation of international humanitarian law and human rights standards. Under this resolution and the standards set out in the Geneva Conventions and their Additional Protocols, the Council must ensure compliance with international humanitarian law and human rights in regions where peacekeeping missions are deployed.

The mere discussion of this matter necessarily brings to mind paragraphs 138 and 139 of the 2005 World Summit Outcome Document, through which we adopted the responsibility to protect as a standard of this Organization. That concept, above and beyond the principles of sovereignty, territorial integrity and non-interference in the internal official States, clearly establishes that when a Government will not or cannot protect the rights of its citizens, the international community, and therefore the United Nations, assumes the responsibility of doing so. Sexual violence against women as a tool of war or as simple political pressure

presents a clear example in which the international community has the obligation to act. Within that context, we must assess and analyse our achievements and we must confess that we have failed in that respect. This Organization, and in particular the Security Council, must review the way in which we tackle this issue.

For the Republic of Panama, the report of the Secretary-General on the protection of civilians in armed conflict establishes a basis for the discussion on how to proceed in this matter, with specific recommendations on responding to those challenges more effectively. The measures set out include specific activities, such as the systematic inclusion of information on, inter alia, sexual violence and access to humanitarian assistance in the reports that we receive. This represents clear guidance, which is missing in our current practice.

However, there are a few proposals that require even more consideration and discussion, especially regarding the establishment of a working group on the protection of civilians in armed conflict, which we support in principle. However, on that item, we believe it would be more pertinent to reflect on our working methods before developing new structures. Otherwise, we run the risk of not achieving our main objective, which is to be effective in protecting civilians in situations of armed conflict.

Lastly, I would like to underscore that a central part of our effort to protect civilian populations is to bring to justice those who have committed crimes against humanity and/or violations of international humanitarian law. That is why we reiterate our support for the International Criminal Court to comply with its mission to put an end to impunity for those responsible for these crimes.

Sir John Sawers (United Kingdom): I wish to start by thanking you, Mr. President, for including this issue on our agenda today. I welcome the fact that the Secretary-General took the trouble to join us today, and I thank him for his statement. I think that exemplifies his commitment to doing more to protect civilians in armed conflict. We are also grateful for his thought-provoking report (S/2007/643) and to Sir John Holmes for the work of the Office for the Coordination of Humanitarian Affairs (OCHA). I believe the discussion today has demonstrated the centrality of this issue to all of the work of the Council.

As the Secretary-General's report notes, resolution 1674 (2006) was a watershed in the Council's work in the protection of civilians. The challenge is to build on that achievement. The United Kingdom sees three roles that the Council should play: first, in setting standards to be applied to the protection of civilians during armed conflict; secondly, in ensuring integrity and effectiveness in United Nations missions; and thirdly, in pressuring and persuading States to meet their obligations.

I wish to address the normative framework and the need to put those norms into practice. I will also highlight some country situations in which action is needed.

Resolution 1674 (2006) affirmed the agreement reached at the 2005 World Summit on the responsibility to protect. The resolution recognizes the primary responsibility of States for protecting their own citizens, but also underscores the shared responsibility of the international community to help States fulfil that responsibility.

What we want is a partnership where international assistance, for example in building judicial capacity or in reforming the security sector, helps strengthen States' ability to exercise their sovereign responsibilities. But in those exceptional cases in which States cannot or will not protect civilians from the gravest abuses of their human rights, the international community not only has a right to act, but a responsibility to do so. That action can come in a range of forms, from sanctions against those responsible to direct intervention to protect civilians and should always be proportionate and carefully chosen.

That is part of the wider challenge of becoming collectively more capable of anticipating and preventing crises and more effective in our actions when such crises arise. We therefore need to build on the responsibility to protect through improving our ability across the conflict cycle.

We need to do more before conflict breaks out by being more aware of potential crises and ready to act through a range of tools. The work of the Special Adviser of the Secretary-General on the Prevention of Genocide and Mass Atrocities and the special adviser on the prevention and resolution of conflict is central to our efforts. We welcome those appointments. I join

my Belgian colleague in expressing the hope that their positions will soon be confirmed.

We need to do more during conflict, through more emphasis on humanitarian access and on preventing or punishing abuses.

We need to do more post-conflict by being better at stabilization and peacebuilding. In particular, as my Prime Minister, Gordon Brown, has proposed, we need to develop the capacity to deploy international civilian capabilities to rebuild shattered societies, just as we can deploy military units to help preserve the peace.

The report of the Secretary-General shows the scale of the task we face. It details the scourge of sexual violence, a problem caused by the sense of impunity from justice that its perpetrators believe they enjoy. If States cannot provide a functioning system of law and order, it becomes the responsibility of the international community to ensure that justice is done. That is integral to building peace in post-conflict societies and to deterring future crimes. United Nations peacekeeping missions also have a crucial role to play in tackling sexual violence.

In eastern parts of the Democratic Republic of the Congo, there are widespread abuses of the civilian population by armed combatants, of which the brutal and calculated practice of sexual violence is a particularly grave example. All those responsible, in the armed forces and in illegal armed groups, must be brought to justice in order to secure justice for their victims and to deter others. Therefore, in renewing the mandate for the United Nations Organization Mission in the Democratic Republic of the Congo at the end of this year, we should ensure more effective action, including supporting the recent agreement between Rwanda and the Democratic Republic of the Congo to tackle the scourge of the Forces Démocratiques de Libération du Rwanda, the former génocidaires and other ethnic armed groups who terrorize the civilian population.

The conflict in Darfur continues to be characterized by gross and systematic violations and abuses of human rights and of international humanitarian law. In addition, the Government in Khartoum continues to ignore the demands of the International Criminal Court (ICC). One of the indictees even remains a government Minister. The Government of the Sudan is required to cooperate with the ICC and to surrender the two individuals for whom arrest warrants have been issued. The Council will consider that issue in detail when the ICC Prosecutor reports to us next month.

The Secretary-General's report contains substantive recommendations. The United Kingdom agrees that the United Nations needs to be more systematic in including the protection of civilians in the reporting we receive and the mandates we adopt. And the Council should hear from OCHA and the Department of Political Affairs, as well as the Department of Peacekeeping Operations, as we consider peacekeeping issues, where protection is key.

Moreover, we agree that safe, timely and unimpeded access for the delivery of assistance is crucial. We welcome OCHA's initiative of developing a monitoring and reporting mechanism. And we agree that we need more emphasis on reporting on sexual violence and on ways to address it, including sanctions against those responsible.

Above all, we need to mainstream the protection agenda in the Council's work and across the conflict cycle. That is a big challenge, but it is one that we have to meet. We will work with the Secretariat, Council colleagues and others to take this forward.

Finally, I associate myself with the statement to be made later by the representative of Portugal on behalf of the European Union.

Mr. Ripert (France) (*spoke in French*): I should like to thank the Council presidency for offering us this opportunity to revisit the crucial issue of the protection of civilians in armed conflict. We are grateful to the Secretary-General for his commitment to the subject and greatly appreciate his report (S/2007/643). I should also like to thank Mr. John Holmes for the detailed briefing that he has just given us.

Since our last debate on this subject, on 22 June 2007 (see S/PV.5703), the Council has acted in response to a number of specific situations in which the issue of protecting civilians was key. By virtue of our resolution 1769 (2007), the hybrid force in Darfur has a mandate to protect civilians and to facilitate the work of humanitarian workers. It must continue to be fully deployed. Likewise, under our resolution 1778 (2007), the United Nations Mission in the Central African Republic and Chad has a mandate of protection, together with the European Union. In both cases, the

protection mandates are placed under Chapter VII of the Charter.

The Council remains seized of other situations requiring the protection of civilians, ranging from Somalia to Iraq and from the Democratic Republic of the Congo to Afghanistan. Incidentally, I should like to confirm here the French decision — and its implementation — to accompany World Food Programme convoys to the coasts of Somalia, effective as of yesterday.

In keeping with Article 99 of the Charter, the Secretary-General has always brought to our attention the most serious situations of violations of international humanitarian law and of human rights. We are grateful to him for his initiative to further strengthen the Council's early warning mechanism, based on paragraphs 138 and 139 of the Outcome Document (General Assembly resolution 60/1) of the 2005 World Summit. We welcome the appointment of Mr. Francis Deng as Special Adviser for the Prevention of Genocide and Mass Atrocities, since he can act, alongside the Secretary-General, as a focal point for the protection of civilians. We also welcome the Secretary-General's intention to appoint a Special Adviser for the Responsibility to Protect, Mr. Ed Luck. Indeed, 20 years after the emergence of the concept, at the initiative of France, the time had come for concrete and full implementation, fulfilling the hopes of people in distress.

The Secretary-General's report contains specific proposals that should enable the Council to act more effectively. I should like to highlight some of them.

Regarding action one, related to the conduct of hostilities, the Council must always remember that respect for international humanitarian law is mandatory for all, including non-governmental forces and private security firms, in all circumstances. Among the most important principles of international humanitarian law are those of distinction and proportionality. We share the Secretary-General's concern at the erosion of respect for those principles.

We also believe that there can be no lasting or preventive protection of civilians in a context of impunity. France thus reaffirms its support for the activities of the International Criminal Court (ICC) and recalls in particular that the Council has asked the Government of the Sudan to cooperate with the ICC, on the basis of resolution 1593 (2005). As recalled in the report, the Court's arrest warrants must be executed.

Finally, we fully share the Secretary-General's view that, in the conduct of hostilities, the parties to a conflict cannot ignore the collateral effect of certain weapons that they use. We support the recommendation concerning the development of a legally binding instrument prohibiting the production, use, stockpiling and transfer of cluster munitions.

With regard to action two, related to sexual violence, we have had several opportunities to express our deep concern — recently, during the Council's debate on 23 October (see S/PV.5766) and during the Third Committee's adoption of a draft resolution submitted by the United States, entitled "Elimination of rape and other forms of sexual violence in all their manifestations, including in conflict and related situations," of which my country was a sponsor. In the spirit of the presidential statement adopted by the Council on 23 October (S/PRST/2007/40), France supports the Secretariat in its intention to be as accurate as possible in reporting to us on possible cases of sexual violence.

Action three, concerning humanitarian access, is of particular importance to France. In 1988 and 1990, we submitted the first two resolutions to the General Assembly dealing with access to victims and the establishment of humanitarian corridors. The free access of humanitarian personnel to civilians in need is a key requirement set out by the Council in its resolution 1674 (2006). The Council must be fully informed about obstacles to humanitarian assistance and, on the other hand — as our Chinese colleague mentioned — about excesses or offences that could be committed by unscrupulous humanitarian organizations. In that connection, my country is pleased that Mr. Holmes reports regularly to the Council on the issue of access, both verbally, through briefings to the Council twice a year, and in written form, through an annex to his report.

The Secretary-General has welcomed the Council's action against the scourge of child soldiers and in general against the situation of children in armed conflicts. The success of that action is based on the detailed information transmitted to the Council by Ms. Coomaraswamy, Special Representative of the Secretary-General for Children and Armed Conflict. It is also based on the consideration of that information

by a working group that France has the honour to chair and the possibility that it will report to the Council and propose concrete measures.

Finally, through action five, the Secretary-General proposes the establishment of a Security Council working group on the protection of civilians. France supports that proposal, which we understand will take the form of an expert group. We are pleased that the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations have begun a joint study to examine the effects on the ground of the protection mandates given to peacekeeping operations.

In conclusion, I should like once again to express to the Secretary-General and the Under-Secretary-General our admiration and respect for their commitment on the ground and their will to strengthen the Council's means of action. We will carry out our responsibilities.

Mr. Kumalo (South Africa): My delegation wishes to thank the Indonesian presidency for organizing this open debate on the protection of civilians in armed conflict. We also thank the Secretary General for having taken time from his busy schedule to join us in this debate. We wish also to commend Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for briefing the Council. We look forward to the briefing to be given later by the representative of the International Committee of the Red Cross.

The sixth report of the Secretary-General on the protection of civilians in armed conflict, contained in document S/2007/643, is a stark reminder that the protection of civilians in armed conflict has become even more urgent since the Security Council first addressed this issue eight years ago. According to the report, the nature of contemporary armed conflicts presents new and unique challenges for protecting civilians and has raised issues that require further study by the Security Council before it responds appropriately.

However, while exploring the response to these new challenges for the protection of civilians, it is important that on the question of the conduct of hostilities there is an accurate and factual account of conditions on the ground. For example, one of the most objectionable forms of attack on civilians, which needs to be utterly condemned, is the use of suicide attacks. When suicide attacks were used against civilians in Israel, they were roundly condemned by everyone, including Palestinians. Suicide attacks have since decreased in Israel and have not taken place in a long time, and it is for this reason that we regret that the report did not make that clear.

In his letter to the Security Council, dated 19 November 2007, Ambassador Riyad Mansour, Permanent Observer of Palestine, confirms the decrease in suicide attacks. He also points out that

"[t]he perpetuation of reporting, including certain language usage that overlooks the existence of this occupation, is unacceptable. Of course, this in no way implies that the occupied people are absolved from respecting international law, which should have primacy in all circumstances; but rather, the point is to stress that any examination of the situation and developments in this regard must be considered within the overall context of the occupation, which unquestionably impacts all aspects of the situation on the ground and remains the root cause of this conflict".

The fact that suicide attacks are still used against civilians in Afghanistan, Iraq, Sri Lanka and Somalia remains a challenge for the international community.

In situations of conflict it is incumbent on States, with the support of the United Nations and relevant humanitarian actors, to protect civilians from abuse, to mitigate the impact of warfare and to alleviate their suffering. For this reason, my delegation wishes to reaffirm the primary responsibility of each State to protect its citizens and persons within its jurisdiction, as proclaimed in the 2005 World Summit Outcome Document. Furthermore, it is important that humanitarian assistance continues to be provided in accordance with the principles of neutrality and impartiality, and parties to the conflict must allow timely and unhindered access of humanitarian assistance to civilians.

Perhaps the most cruel and despicable tool of conflict is the systematic use of gender-based violence, particularly rape and other forms of sexual violence. It is for this reason that my delegation has always supported the call for the elimination of rape and other forms of sexual violence in all their manifestations, including in conflict and related situations.

In its recent open debate on women and peace and security (see S/PV.5766 and Resumption 1), the

Council stressed its repeated condemnation of all acts of violence, including killing, maiming, sexual violence, exploitation and abuse in situations of armed conflict. The Council called on all parties to armed conflict to cease such acts with immediate effect and adopt specific measures to protect women and girls from all forms of violence. The Council stressed the need to end impunity for such acts as part of a comprehensive approach to seeking peace, justice, truth and national reconciliation.

Furthermore, it is important that steps be taken to ensure that all aspects of peacekeeping operations have adequate training of personnel on the specific needs of women and children prior to deployment. The zero-tolerance policy of the United Nations must be uniformly applied, and action should be taken by States and international and regional institutions to investigate and punish those who perpetrate acts of gender-based violence against women and girls in situations of armed conflict.

Above all, the international community should assist in providing all necessary assistance to the victims of rape and other sexual violence, who are usually forgotten after their crimes have been publicized.

Another major result of conflict is the unprecedented wave of displaced people, both within and across borders. The report points out that for 35 million people flight has become the only option as displacement has become the main feature of conflict, creating a great humanitarian challenge. It is worth noting that the report further points out that this displacement phenomenon can be found anywhere in the world where there is armed conflict, whether it be in Afghanistan, Sri Lanka, the Democratic Republic of the Congo or the Darfur region of the Sudan.

The next challenge for the international community will be how to resettle people in the territories from which they fled during war, but which may now be occupied by the victors in the conflicts. Ensuring the right of safe and unimpeded return for refugees and internally displaced persons needs to be addressed if future peace is to be sustained and further violence prevented. The right of people to return to their former homes and countries is sacrosanct and should never be compromised.

In resolution 1674 (2006) the Security Council reaffirmed the importance of preventing armed conflict and its recurrence by stressing the need for a comprehensive approach through promoting economic growth, poverty eradication, sustainable development, national reconciliation, good governance and democracy, the rule of law, and respect for and protection of human rights. This confirms the agreed principle that development, peace and security and human rights are interlinked and should form the basis for our collective security and well-being.

South Africa expresses deep concern about the impact of unexploded cluster munitions on civilians, particularly children, who are maimed and even killed by these weapons long after the war has ended. These weapons constitute an obstacle to the return of refugees and other displaced persons, humanitarian aid operations, reconstruction and economic development, as well as to the restoration of normal social conditions, and have serious and lasting social and economic consequences. Concerted efforts are required to end the use of cluster munitions, and my delegation looks forward to future discussions in the United Nations on how to address the danger posed by cluster munitions.

We are pleased that the report of the Secretary-General addresses the disturbing and seemingly increasing trend of attacks on humanitarian workers. We welcome Security Council resolution 1502 (2003) on the protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones. The report points out that between 1997 and 2005 the absolute number of acts of violence perpetrated against humanitarian workers nearly doubled. The international community will have to redouble its efforts if it wants to protect the humanitarian workers who are often the only lifeline for the victims of war.

The protection of civilians in armed conflict is, and must remain, an absolute priority for the Council. My delegation is therefore of the view that finding a common solution to the protection of civilians will require the cooperation of each and every Member State. We also believe that the protection of civilians in armed conflict would be better addressed in partnership with regional mechanisms, and that strengthening dialogue and cooperation between the Security Council and regional organizations would contribute to tackling common security challenges and ensuring speedy action on the ground.

Mr. Spatafora (Italy): First of all, I would like to thank you, Mr. President, for organizing this debate and for again drawing our attention to a central issue that, as the Permanent Representative of South Africa has said, is an absolute priority.

Italy fully associates itself with the statement to be delivered by the representative of Portugal on behalf of the European Union. I will just add a few remarks.

We warmly welcome the report of the Secretary-General (S/2007/643) and the briefing by Under-Secretary-General Holmes. We welcome them because they are extremely focused and action-oriented. The presence of the Secretary-General among us, his very lucid and passionate statement and the quality of the report are a clear demonstration of the primary importance of the protection of civilians in armed conflict in the agenda and of the personal commitment of the Secretary-General on behalf of all of us.

The Security Council has no doubt made substantial progress on this issue. I will not repeat what previous speakers have said about the progress made; it is enough to read paragraph 10 of the report of the Secretary-General. But, shifting our attention from the Security Council to the field, I wonder whether we could say that there has been substantial progress in the situation on the ground. I think that, as previous speakers have said, if we read the report of the Secretary-General closely, some doubts emerge as to whether there has been progress. Indeed, as I in fact believe, there may have been some steps backward. I think that in the future we will have to take what I would call a less Security Council-centred approach for identifying benchmarks and a more ground-centred approach for assessing whether or not benchmarks have been met.

There is no doubt that the protection agenda has gained momentum. We now have to build on the progress made, and we need to do so through — I repeat — an operational approach. Let us address the remaining strong concerns through effective and sustainable proposals. The report of the Secretary General is a road map for action for all of us. As stated by the Secretary-General, the report provides a framework for action, with a series of five very precise and focused recommendations. Under-Secretary-General Holmes has also been very clear about which actions we should embark upon in the following weeks and months. Let us deliver on those proposed actions. Once again, what is at stake is our credibility.

The report paints a troubling picture of conflict situations throughout the world — negative developments in the conduct of hostilities, constraints on or denials of access for humanitarian personnel to vulnerable people caught in conflict and the use of sexual violence as a calculated method of warfare. As has been said, it is a very powerful reminder to all of us that we must never lose sight of the fact that what matters most at the end of the day is whether and how we are able to deliver and to have an impact on the ground in providing relief for those who suffer. We must never lose sight of the wider picture.

In that connection, and mindful of what Under-Secretary-General Holmes has told us with regard to his views as to its potential as a regular forum for timely consultations, we also strongly favour the proposal by the Secretary-General to establish a working group. I would like to add a bit more to what Ambassador Holmes has said. I think the working group should also be a tool for an enhanced ground-centred operational approach. The working group will make a difference if it adds value to the ground-centred approach. We very much appreciate what Ambassador Holmes has said about an enhanced monitoring and reporting mechanism. If I may, I would just like to add that I feel, think and hope that what he means is what we understand as proactive monitoring — not just a listing of what has happened.

In operational terms, let us concentrate on developing a framework to move the process forward. We need appropriate tools with regard to different points.

First, on peacekeeping, United Nations operations must be clearly mandated to ensure the protection of civilians and subsequently to report on it. We take this opportunity to welcome the joint study being conducted by the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations referred to in the report of the Secretary-General.

Secondly, on access, there is a need for more systematic and timely reports, as necessary, by the Emergency Relief Coordinator to the Council on serious constraints on access. As I said before, we also need an effective system of proactive monitoring and prevention. The attention of the Council must be drawn

to situations of constraint on access as soon as they arise. We will then have to react and find ways to be effective in operational terms, and not just in words. In that regard, as other speakers have done, we reaffirm the principle that those who are deemed responsible for denial of access by humanitarian personnel to civilian populations could be prosecuted by the International Criminal Court (ICC).

With regard to sexual violence, we recall the ICC's role in punishing those responsible for atrocious crimes such as rape.

Mr. Tachie-Menson (Ghana): I wish to express my delegation's appreciation to the Secretary-General for his statement and for his very comprehensive sixth report on the protection of civilians in armed conflict (S/2007/643). I also wish to express our appreciation to the Under-Secretary-General for Humanitarian Affairs for his briefing.

In discussing this subject, which is one of the critical issues facing the international community, it is important that we consider the means of preventing conflicts. It is now widely recognized that the promotion of human security and human development is the basis for conflict prevention. That brings to the fore the need for the international community, working in collaboration with the relevant Governments and civil society, to promote acceptable standards of governance, economic management and the rule of law in potential areas of conflict. In this regard, my delegation wishes to recall resolution 1674 (2006) and to emphasize the need for a coordinated, comprehensive approach to the promotion of economic growth, poverty eradication and sustainable development in vulnerable areas and regions by the United Nations and its agencies. Regional and subregional organizations also have a role to play in this area. We believe that many conflicts could be avoided if these ideas were actively pursued.

In considering the Secretary-General's report, we note the relative decline in the number of conflicts in the world. There is, however, no reason for complacency in view of the brutality and atrocities of the remaining conflicts, which have brought misery and untold suffering to millions. The world's refugee population stands at 9.9 million and internally displaced persons at a record 24.5 million. That is a stark reminder of the challenges facing the international community.

While it is recognized that the primary responsibility for the protection of civilians falls on States and Governments, the present situation clearly indicates that in most conflicts, States and Governments are either unable or unwilling to provide that protection. The international community, therefore, has a moral and legal duty to extend this protection as affirmed in paragraphs 138 and 139 of the 2005 World Summit Outcome Document (General Assembly resolution 60/1), and as stressed in Council resolution 1674 (2006).

In this context, we are pleased to note the progress, as indicated in the Secretary-General's report, in creating the necessary regulatory and policymaking framework to enhance the protection of civilians in armed conflict, such as, inter alia, strengthening peacekeeping mandates to cover the protection of civilians, strengthening peace mediation mandates and combating impunity for war crimes and crimes against humanity.

On the subject of peacekeeping and humanitarian assistance, which have played key roles in keeping conflicts in check and have reduced the scale of human suffering, the position of my delegation is that these two tools, while distinct, are mutually supportive and complementary. With the strengthening of peacekeeping mandates to make them more robust, it may be possible to ensure not only the physical protection of civilians, but also the facilitation of humanitarian assistance.

The role of a fully operational International Criminal Court in the development and enforcement of international humanitarian law and in combating impunity is also indispensable. The recent issuance by the Court of arrest warrants for crimes against humanity and war crimes, in respect of atrocities committed by The Lord's Resistance Army in Uganda, as well as those committed in the Democratic Republic of the Congo and Darfur, sends a strong positive message that the international community will not tolerate impunity.

In debating this matter, we cannot afford to forget the valiant role played by journalists in reporting these conflicts. Without the commitment and professionalism of these journalists and media personnel, who have to operate under great risks, the extent of some of these conflicts and atrocities committed might have been difficult to detect. We therefore unreservedly condemn

the deliberate targeting of journalists and media personnel and call on all parties to conflicts to comply with resolution 1738 (2006).

Finally, we wish to express our support for all measures aimed at restricting and ultimately prohibiting the use of cluster munitions, in view of their devastating impact on civilians. The use of such weapons is unconscionable and unacceptable. We also strongly support the Secretary-General's recommendation for the establishment of an expert level working group to facilitate the systematic and sustained consideration and analysis of the protection of civilians.

Mr. Al-Nasser (Qatar) (*spoke in Arabic*): Thank you, Mr. President, for convening this important open debate on the protection of civilians in armed conflict, which forms part of the ongoing effort of the international community and the Council to promote the protection of civilians in conflict areas, in particular the protection of vulnerable groups, including women and children. I would also like to thank the Secretary-General for participating in this important debate, and to thank Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for his important briefing to the Council.

Despite the repeated condemnations of the deliberate targeting of civilians, acts of violence and attacks against them, forced displacement of civilians and the deliberate denial of humanitarian access, the world continues to witness an increase in the tragic daily suffering of civilians in areas of armed conflict and areas under foreign occupation. That suffering includes displacement, which has become one of the most prominent features of contemporary armed conflict. Its effects last for years, causing decades of suffering and deprivation and a daily struggle for survival. It also includes the collateral killing of civilians in areas of conflict or of military operations. Innocent people are killed simply because they happen to be near areas affected by armed conflict. All parties in such areas must be called upon to take all necessary measures to prevent harming civilians in accordance with the Fourth Geneva Convention, of 1949.

The principle of the responsibility to protect, as set out in the 2005 World Summit Outcome Document (General Assembly resolution 60/1) essentially stresses that each State has the responsibility to protect its citizens and individuals subject to its jurisdiction from acts of genocide, war crimes, ethnic cleansing and crimes against humanity. While the principle of the responsibility to protect reflects a noble human value, it is easily exploited and abused; this prompts us to be cautious in dealing with this principle. Our objectives must therefore not be politicized; they must transcend individual interests and reflect pure humanitarian motives.

The report of the Secretary-General notes progress in the promotion of the protection of civilians in armed conflict. In this regard, we commend United Nations peacekeeping operations in areas of armed conflict for their continuous efforts to protect civilians, despite the serious lack of capacity and security that has resulted in the death of many peacekeepers in areas affected by conflict.

Here, we recall the recommendations of the Secretary-General, with which we fully agree, on strengthening the role of United Nations peacekeeping operations in the field of providing humanitarian assistance, and on the importance of creating the security conditions that would allow them to provide such assistance. We also commend regional organizations for the role they play in the protection of civilians in areas of armed conflict and urge them to continue their important role in mediation, conflict resolution and peacekeeping, including intervention to prevent innocent civilians in areas of armed conflict from being deprived of humanitarian assistance.

The report of the Secretary-General depicts worrying trends, such as the frequent targeting of civilians, which has become tantamount to a tool of intimidation, and the collateral killing that claims the lives of many innocent civilians due to inaccurate targeting and mistaken identity. Such trends prompt us to call upon the parties to conflicts and international troops to abide by their obligations under international humanitarian law and human rights law.

Another cause for concern is the risks posed by armed conflict mentioned in the report of the Secretary-General that especially affect the elderly and people with disabilities, since they have less access to assistance. A vivid example of this was the fate of the elderly and the disabled in southern Lebanon who were unable to flee the fighting in 2006 and faced the risk of getting wounded or killed. At this juncture, we would like to stress the need for the elderly and people with

disabilities to receive the attention they require as part of the efforts of national authorities and humanitarian actors who provide protection and assistance to civilians.

Ensuring access to humanitarian assistance is the greatest challenge facing us today. As expressed by the Secretary-General in his report, such access is a prerequisite for action and protection in the humanitarian field and is a means of escape for civilians in areas of armed conflict, including areas under foreign occupation. Despite the fact that international humanitarian law requires the parties to the conflict to authorize the rapid passage of humanitarian assistance and facilitate its access to civilians in need, a clear breach of those international obligations is taking place today.

Our world today bears witness to the arbitrary denial of access to humanitarian assistance. This can take multiple forms, such as the internal checkpoints set up in the occupied Palestinian territories that restrict access to vital humanitarian assistance, in addition to other examples that we see daily.

Another cause for concern is the growing phenomenon of impunity in cases of sexual violence against women and children in areas of conflict, be they crimes committed by the parties to the conflict or by United Nations peacekeepers. Reports indicate that States experiencing cases of impunity suffer from inefficient and weak investigative processes and prosecution. That fact confirms the need to provide the financial and technical support necessary to strengthen national capacities in the administration of justice in States within whose jurisdictions those acts of sexual violence take place.

The humanitarian consequences of the use of cluster munitions in armed conflicts have become a major challenge before us today. The impact from their killing, maiming and destruction of livelihood lasts for years. Such weapons also destroy fields, crops and sources of income for a whole generation. This situation calls for concerted efforts to put an end to their use once and for all.

What we need is not new mechanisms, for that would be a waste of time and effort. To improve the condition of civilians in areas of armed conflict and areas under foreign occupation, we need effective, on-the-ground implementation of actions and measures contained in relevant Security Council resolutions. We stress, in this regard, that parties to armed conflicts, State and non-State actors alike, bear the responsibility to fully comply with their obligations under international law and relevant Security Council resolutions, as the responsibility to protect civilians rests first and foremost with the States concerned.

Finally, we would like to reaffirm our full commitment to promoting and strengthening the protection of civilians in areas of conflict in accordance with relevant Security Council resolutions.

Ms. Wolcott (United States of America): Thank you, Mr. President, for convening today's important discussion. I would also like to thank the Secretary-General for his participation in this meeting and to express our appreciation to Under-Secretary-General Holmes.

People in every country share the desire for a life of opportunity for themselves and their children. They want their nations to be successful, prosperous and to ensure basic security, employment and educational opportunities, by which each generation does better than its predecessor.

There are many States throughout the world striving to provide such an environment for their citizens. However, repressive regimes, global terrorism and extremism, intransigent poverty and other factors prevent many people from having their basic needs met and force them to live in fear.

The Secretary-General, in his most recent report on the protection of civilians in armed conflict, reminds us all that

> "the protection of civilians is a human, political and legal imperative that recognizes the inherent dignity and worth of every human being. It is a cause that unites us all in the responsibility to protect civilians from abuse, to mitigate the impact of warfare and to alleviate their suffering." (S/2007/643, para. 3)

In that spirit, I would like to comment on some of the challenges raised in the Secretary-General's report.

First is ensuring humanitarian access to civilians in need. As noted in the report, humanitarian access to conflict areas is often hindered by lack of security and infrastructure. However, in some cases, State and non-State actors flagrantly deny access, mobilizing direct attacks against humanitarian workers and

making it impossible to meet emergency needs. In many crises, deliberate attacks on humanitarian workers remain a significant impediment to life-saving aid. We must all work together to provide for the safety and security of relief workers as well as civilians.

In Darfur, where more than 4.2 million people depend on the lifeline that the international community provides, aid is frequently hindered due to Government actions, despite an agreement that the Government of the Sudan and the United Nations signed in March to foster an improved working relationship and to provide a forum to address issues of concern. The absence of key United Nations humanitarian staff to coordinate the international response makes it more difficult for humanitarian agencies to provide aid to the more than one million people in southern Darfur.

Similarly, in Burma, the regime's restrictions on humanitarian agencies led the International Committee of the Red Cross and the United Nations Programme on HIV and AIDS to close their offices, depriving Burmese citizens who were in need.

With regard to the report's discussions of the situation in Afghanistan and Iraq, I want to make clear that the United States recalls the obligation of all parties to the conflict, under applicable international law, to allow and facilitate passage of humanitarian relief, to the extent feasible, for civilians in need. We urge all nations to follow through on these important obligations. We support the Secretary-General's observation that humanitarian agencies cannot assist people they cannot reach.

The second challenge is the prevention of sexual violence in conflict. The United States condemns sexual violence as an instrument of policy and calls on all Member States to end this gross injustice. We applaud the recent adoption by the Third Committee of the General Assembly of a draft resolution calling on States to end impunity by prosecuting and punishing those who rape and use other sexual violence to advance military or political objectives, to protect and support victims and to develop and implement comprehensive strategies on prevention and prosecution of rape.

The United States has responded in many ways to the intolerable widespread violence against civilians. At the behest of Secretary Rice, the United States Department of State and the Agency for International Development are implementing an initiative to target five key strategic areas to help address the issue of gender-based violence, including access to justice, human rights monitoring efforts, access to accurate information, and humanitarian protection to include clinical care. The Department of State also supports programmes focusing on prevention and response to gender-based violence for Darfur-Sudanese refugees in Chad. The United States urges all Member States to take similar concrete steps to end impunity for perpetrators and the use of rape as an instrument of war.

The third challenge is strengthening refugee protection and maximizing opportunities for refugees and internally displace persons' self-reliance. The United States continues to support strong and effective international responses to humanitarian crises. Unfortunately, protracted conflicts continue to create forced displacement of large numbers of civilians. Renewed displacement in Somalia, eastern Congo and the Sudan's Darfur province are tragic reminders of the risk to civilians who are deliberately targeted during armed conflicts.

Where conflict is causing civilians to flee and seek asylum, we are actively working with other Governments to provide protection to those in need.

The United States remains the single largest contributor of humanitarian assistance for Iraqis. Between 2003 and the end of this year, we will have provided almost $1 billion in humanitarian assistance for Iraqis, both in Iraq and in neighbouring countries. We have made almost $200 million available in 2007 to assist displaced Iraqis, including providing $39 million to date to the joint United Nations High Commissioner for Refugees/UNICEF appeal for the education of Iraqi children in Jordan and Syria. During the past year, the United States has also significantly ramped up resettlement processing for Iraqi refugees, including expanding processing facilities and hiring and training staff to process Iraqi refugee applicants in Jordan, Syria, Egypt, Lebanon and Turkey. Now that we have those facilities and personnel in place, we hope to admit as many as 12,000 Iraqi refugees during the course of the next fiscal year.

The United States continues to seek comprehensive approaches to resolving protected refugee situations through support for durable solutions. We also seek innovative approaches to developing livelihood strategies and to maximizing

opportunities for refugee self-reliance and empowerment.

We call on Member States to renew their commitment to upholding the right to asylum, to protecting civilians from forcible return, and to providing durable solutions for refugees. The United States is proud to have assisted approximately 1 million African refugees to return home over the past two years.

Fourthly, with respect to combating the deliberate targeting of civilians, the Secretary-General's report rightly underscores the importance of the principles of distinction and proportionality. In resolution 1674 (2006), the Council recalled that the deliberate targeting of civilians in situations of armed conflict is a flagrant violation of international law, reiterated its condemnation of such practices in the strongest possible terms, and demanded that all parties immediately put an end to such practices.

Yet all too often, we see parties to armed conflict resort to the deliberate targeting of the civilian population as a means to create a climate of fear. We have seen, for example, the human toll of terrorist attacks in Afghanistan. According to the Secretary-General's September 2007 report on the situation in Afghanistan, the country suffered from more than 100 suicide attacks between January and August of this year, resulting in the deaths of more than 145 civilians. The report also notes concern about incidental civilian casualties resulting from military operations.

In Iraq, Afghanistan and elsewhere in the world, we face ruthless enemies that have no respect for human life and follow no rules of engagement. In our own military operations, we do everything feasible to avoid the loss of innocent life. We are very concerned about civilian casualties and we take deliberate precautions to minimize the risk to civilian populations. In Afghanistan, the issue of civilian casualties is at the top of the list of concerns for commanders of NATO's International Security Assistance Force and Operation Enduring Freedom. At every phase of an operation, from beginning planning to conducting the operation, precautions are taken to minimize the risk to civilians. If operations pose a significant risk to civilians, the operations are changed or cancelled. As the NATO Secretary General has stated, "If we cannot neutralize our enemy today without harming civilians, our enemy will give us the opportunity tomorrow".

In the first half of 2007, there were over 2,500 incidents of NATO troops in contact with the enemy. Of those, there were 34 civilian casualty incidents, and just four of those occurred during deliberately-planned operations. Despite precautions, civilian casualties can and do occur in a war zone. When that happens, commanders work with the Government of Afghanistan and the United Nations to conduct after-action reviews with the goal of preventing future incidents. In glaring contrast, terrorist groups in Afghanistan, Iraq and elsewhere deliberately target civilians, in flagrant violation of the most fundamental tenets of international humanitarian law. It is well past time for all Member States to have zero tolerance for armed groups that deliberately target civilians or put civilians in harm's way with the goal of spreading fear and destabilizing communities.

Fifthly, with respect to addressing the humanitarian impact of cluster munitions, it is important to highlight the decision of the Meeting of the States Parties to the Convention on Certain Conventional Weapons (CCW) last week in Geneva to instruct Government experts to "negotiate a proposal to address urgently the humanitarian impact of cluster munitions, while striking the right balance between military and humanitarian considerations". The United States believes that the CCW is the right framework to take up that issue because it is uniquely well placed to strike that balance between humanitarian and military considerations. However, the United States believes that cluster munitions continue to be legitimate weapons when employed properly and in accordance with existing international humanitarian law.

In conclusion, the United States applauds the Secretary-General's report on the protection of civilians in armed conflict and looks forward to reviewing and considering the report's recommendations. At this time, however, we note the importance of the Security Council, when faced with particular situations threatening international peace and security, being able and willing to craft responses that deal with the particularity of the threat at hand. It follows from this that the adoption of a one-size-fits-all approach — for example, statements that the Security Council should in all cases adopt provisions of a certain type — may not represent the most effective way for the Security Council to proceed.

As an example, while we agree with the report that disputes over land tenure can lead to armed conflict and abuse when civilians are driven from their homes and their properties are appropriated, it is less clear to us that United Nations peacekeeping missions should in all cases be mandated to deal with those issues in the manner specified in the report.

With respect to the International Criminal Court, we think it important for recommendations of that type to distinguish in the future between the positions of those that are parties to the Rome Statute and of those that have chosen not to become parties. Different States have different views about the best mechanism for combating impunity, and it should not be assumed that the International Criminal Court holds a privileged position in the hierarchy of tools available for combating impunity.

The United States appreciates the efforts of the Office for the Coordination of Humanitarian Affairs (OCHA), as well as OCHA's interest in keeping the Council apprised and informed about that important topic. We welcome the idea of OCHA inviting Security Council members to informal OCHA briefings on situations seized by the Council, but are not convinced that a formal working group is necessary.

In closing, the United States would like to commend OCHA and its humanitarian partners for their valuable work in providing life-saving assistance and advocating for the protection of civilians, particularly children, women, the elderly and other vulnerable groups.

Mr. Matulay (Slovakia): First of all, I would like to express the gratitude of my delegation to the Secretary-General for his participation in this meeting, which underscores his valuable commitment to this issue. I would also like to thank Sir John Holmes for his valuable briefing.

Slovakia fully associates itself with the statement to be delivered later by the representative of Portugal on behalf of the European Union.

Being deeply concerned about the situation of millions of people trapped in conflict situations around the globe, we fully support the continuing efforts to strengthen the protection of civilians in armed conflicts, especially of women and children, in accordance with existing international norms. In that respect, we fully support the implementation of the commitments made in the 2005 World Summit Outcome Document, as well as the implementation of the Council's resolutions, including 1674 (2006) and 1738 (2006).

My delegation welcomes the Secretary-General's latest report on the protection of civilians in armed conflict, contained in document S/2007/643, and can support the recommendations made in the aforementioned report.

The information provided from conflict regions clearly shows serious gaps in the practical implementation of the existing legal instruments for the protection of civilians in armed conflict, in particular the Hague Conventions and the Geneva Conventions and their Additional Protocols. Despite the joint efforts of the entire international community and all the important steps towards improved protection taken by this Council, including through its latest resolutions on the Sudan/Darfur, Chad, the Central African Republic and the subregion, we are witnessing continuous and deliberate attacks against civilians, not excluding attacks against humanitarian personnel, rape and other sexual violence — used often as a weapon of war — abductions and the use of child soldiers in many conflict situations.

We fully share the Secretary-General's view that, where we cannot prevent armed conflict, the protection of civilians is, and must remain, an absolute priority for the whole international community.

I would like to take this opportunity to pay tribute to the peacekeeping troops, who very often face mortal risk in their struggle to provide protection to people in conflict areas. Slovakia also commends and supports the tireless work of the United Nations and other agencies, especially the International Committee of the Red Cross, the Office of the United Nations High Commissioner for Refugees and UNICEF, as well as non-governmental organizations and other humanitarian organizations, which do their best to provide assistance to populations in conflict regions, including to nearly 10 million refugees and over 24 million internally displaced persons.

In this regard, I would like to stress that denial of humanitarian access is unacceptable. Deeply concerned about the wide scale of restrictions imposed on humanitarian organizations in many conflict situations, we reiterate our call upon Governments and other

parties to conflict to lift restrictions and to facilitate the work of humanitarian organizations.

Our deepest concerns continue to be linked with widespread and often systematic sexual violence, in particular in the Democratic Republic of the Congo. Reports of more then 4,500 cases of rape during the first six months of 2007 in South Kivu province alone, and especially those reports about the involvement of some elements of the governmental forces in these crimes, are truly alarming.

Slovakia strongly condemns such crimes and fully supports the use of all available means to end impunity for the perpetrators, including, where necessary, through the engagement of the International Criminal Court and targeted measures by the Security Council. In this respect, we also reiterate our full support for the zero tolerance policy in respect of crimes committed by United Nations personnel.

We believe that national authorities and the whole international community must respond more effectively to crimes against civilians, including rape and other forms of sexual violence, in armed conflict. Measures by Governments, the United Nations system and all other actors working on the ground should be based on effective, reliable and better focused monitoring and analysis.

Slovakia, therefore, supports the Secretary-General's proposal to establish a Security Council working group on the protection of civilians.

Mr. Voto-Bernales (Peru) (*spoke in Spanish*): First of all, Mr. President, I would like to thank you for convening this open debate on the protection of civilians in armed conflict. I would also like to express my gratitude for the briefing given by the Under-Secretary-General for Humanitarian Affairs, Mr. John Holmes, and to acknowledge the work that is being done by his Office to improve the protection of civilians in armed conflict.

Peru welcomes the sixth report of the Secretary-General on this matter (S/2007/643); it is a report of high quality. It offers a view of the positive developments, as well as of new and continuing problems that affect civilians in situations of armed conflict, and it offers to the Security Council important recommendations for their protection.

In this context, we are concerned by the overview that the report presents on the situation of civilians in armed conflict. Even though there has been an encouraging decline in the number of conflicts, in today's armed conflicts human rights violations and violations of international humanitarian law have increased, and the civilian population, particularly women and children, are still the main victims. In many cases, it is precisely women and children who are even direct targets of the attacks, and victims of gender-based sexual violence in a climate of almost total impunity. The dangers that are faced by the civilian population in conflicts in places such as the Democratic Republic of the Congo, Somalia, Gaza, Iraq, Darfur, Chad and Afghanistan, to mention only a few, show that, despite the good intentions of the international community, of the Security Council and even of the respective Governments, the civilian population still lacks significant protection. In this respect, Peru believes that the Security Council should continue to promote effective and feasible actions to guarantee the protection of civilians who find themselves immersed in armed conflicts, as well as of displaced persons and refugees.

I would like to make a few comments on the report's recommendations. First of all, we agree with the Secretary-General that ensuring humanitarian access to the civilian population affected by conflict is a fundamental requirement for their protection. In accordance with international humanitarian law, the parties to a conflict must allow and facilitate unhindered access by all humanitarian assistance providers to civilians in need. Regrettably, the reality on the ground shows us that access is still far from being safe, timely and free from obstacles. This means that millions of people are deprived of assistance that is crucial for their survival.

As a result, we support what is said in action three, "Access", in particular in reference to having the Emergency Relief Coordinator systematically bring to the Council's attention situations where serious access concerns exist, including through the biannual briefings and as an annex to the Secretary-General's reports on this matter.

Secondly, the report of the Secretary-General is enlightening in pointing out that women and children are still the main victims of acts of violence in armed conflict, and that increasingly sexual abuse and rape of women and girls are used intentionally as a weapon of war by the parties to armed conflict.

Peru joins in rejecting sexual violence in conflict situations and agrees that we must act firmly, both nationally and internationally, in order to bring an end to these practices through policies and programmes that promote the prevention of violence. We also believe it is important for the international community to support the implementation of resolution 1325 (2000) and that the Secretary-General report on the progress of mainstreaming a gender perspective in peacekeeping missions. We also support what is said in action two, "Sexual violence", in particular with respect to referring grave incidents of rape and other forms of sexual violence to the International Criminal Court. Furthermore, States, as a matter of priority, must assume their responsibility to bring to justice and punish those responsible for crimes, as a comprehensive approach to peace, justice, truth and national reconciliation.

Thirdly, action four, "Housing, land and property rights" is very relevant, in particular the systematic inclusion in resolutions of references to the rights of displaced persons and refugees to return to their homes and places of origin safely and to the non-acceptance of the results of ethnic cleansing or sectarian violence, as well as mandating United Nations peacekeeping and other relevant missions to prevent the illegal appropriation or confiscation of land and property abandoned by refugees and displaced persons and to support the issuance of ownership documentation when this has been lost or destroyed.

Fourthly, we agree with the Secretary-General that the Security Council should call upon parties to conflict, and upon multinational forces that it has authorized, to uphold their obligations under international humanitarian law and human rights law. In this respect, we support action one, "Conduct of hostilities"; we believe it is important for peacekeeping and other relevant United Nations missions to report on the measures adopted to guarantee the protection of civilians during hostilities.

Fifthly, we agree that we must bring an end to the terrible humanitarian consequences of cluster munitions. Cases such as Cambodia, Kosovo, southern Lebanon and the Lao People's Democratic Republic mentioned in the report speak volumes about the damage caused by these weapons, which continue to mutilate civilians after a conflict is over and which prevent the return of displaced persons and refugees to their homes, as well as the socio-economic development of the affected areas.

We are encouraged by the fact that the response of the international community has been positive, reflecting a clear political will to move towards a solution. We must adopt a binding instrument that bans cluster munitions that cause unacceptable damage to the civilian population.

In the light of the situations described in the report, it is necessary to reaffirm the responsibility of the United Nations to defend human rights throughout the world and to continue to place priority on the protection of civilians in armed conflict. It is important to seek full implementation of resolution 1674 (2006), which contains crucial provisions for improving the international system to protect civilians in armed conflict, including the responsibility to protect populations from war crimes, genocide, ethnic cleansing and crimes against humanity.

The proposal of the Secretary-General, contained in action five of the report, on the establishment of a dedicated, expert-level working group of the Council on the protection of civilians is an idea that should be carefully studied. However, we believe that for the present, it is important that reports on armed conflicts that are on the agenda of the Council should contain information on the protection of civilians. Likewise, warning mechanisms for the Council, including that of the Secretary-General, should be activated in order to protect civilian populations.

Lastly, we must acknowledge that, in order to strengthen the protection of civilians after the cessation of conflict, decisive action must be undertaken to build sustainable institutions in the affected countries in order to fight impunity, strengthen stability and generate conditions of governance that would make it possible to reduce poverty and create opportunities for well-being and development.

Mr. Okio (Congo) (*spoke in French*): First of all, I would like to welcome the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator and to thank him for his very informative briefing on the exhaustive report of the Secretary-General on the protection of civilians in armed conflict (S/2007/643). We also welcome the Director-General of the International Committee of the Red Cross, an organization which, as we all know, does a great deal

to assist and support the victims who are at the centre of our concerns today.

My delegation fully concurs with the statement to be made by Mr. Gaspar Martins, Permanent Representative of the Republic of Angola, on behalf of the Group of African States.

Generally speaking, what we draw from the sixth report of the Secretary-General is a very gloomy picture, given the number of civilian victims of armed conflicts and their geographical distribution. It is a tragedy, often with irreparable effects, experienced every day and at every moment by thousands of people. Like the Permanent Representative of Italy, who spoke earlier, we have doubts concerning any progress made regarding the number of people who are still suffering from the effects of those violent acts. Given the situation, my delegation agrees with the Secretary-General that actions are more important than words and that, when it is not possible to prevent an armed conflict, the protection of civilians should be a priority. We believe that it is a moral duty.

This sixth report is even more informative in its definition of the nature of current armed conflicts, in the alarming figures it provides on the numbers of displaced persons and, especially, in its depiction of the situation of women, children, the elderly and people with disabilities, who are among those most affected and who have endured the most serious difficulties and extreme violence. We believe that the international community should be able to take some of the actions necessary to confront those challenges, as noted in section IV of the report of the Secretary-General. We would like to say a few words on the following points.

The responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity was emphasized in the 2005 World Summit Outcome (General Assembly resolution 60/1), particularly in paragraphs 138 and 139. That responsibility belongs first and foremost to Governments, which need to shoulder it effectively by conducting background educational work and in publicizing information regarding international instruments, particularly international humanitarian law. In that regard, we should note that some Governments that are not able to accomplish this themselves should benefit from assistance from the international community.

Moreover, the International Criminal Court should play a pre-eminent role in judging those who commit the most serious crimes, when they are not considered to be within the competence of national jurisdictions or when national jurisdictions are not able to exercise their role. My delegation reiterates our commitment to a policy of zero tolerance for all forms of violence, all acts of sexual exploitation and other actions against civilians, during conflicts and during peacekeeping missions, by military, police and civilian personnel, in accordance paragraph 20 of resolution 1674 (2006) of 28 April 2006.

We also wish to reiterate here that we condemn acts of terrorism and the use of mercenaries. The nature of conflicts and the actors involved are significant factors in exacerbating armed violence against civilians, which then often results in a higher number of deaths, displaced persons and refugees.

In the kinds of internal conflicts that we see now, as the Secretary-General mentioned, in which Government troops are facing armed rebellions, the protagonists often use measures or methods that can exacerbate the illicit traffic in and proliferation of weapons and drugs, the illegal exploitation of natural resources, sexual violence, trafficking in women and children, the recruitment of child soldiers and punitive expeditions against vulnerable people. Given those practices, the international community, and first and foremost the Council, must do more to coordinate efforts to coherently combat acts of terrorism and the use of mercenaries. In that regard, the Council should set the example through its unity, cohesion and impartiality.

We also agree with the Secretary-General that the access and assistance of humanitarian personnel to civilian populations should be assured. The report of the Secretary-General notes 2.2 million internally displaced persons in Iraq, the same number in the single region of Darfur in the Sudan, 300,000 in the Central African Republic, 170,000 in Chad, 700,000 in Somalia and 1.2 million in the Democratic Republic of the Congo. Those figures alone cannot show the deep and indelible scars of the victims and those close to them.

We therefore condemn very firmly the acts of sexual exploitation and abuse of and trade in women and children carried out by combatants, but also by other actors, and sometimes peacekeeping forces. We

are convinced that the only way to assist those hundreds of millions of people, who have no voice and no hope, is to require that the parties to a conflict facilitate access for humanitarian organizations.

Finally, we would like to note that the protection of humanitarian personnel and journalists should also be ensured. It is regrettable to note the increase and the frequency of violent acts against humanitarian personnel of the United Nations and other humanitarian organizations, journalists and media professionals over the past few years. We should note that resolution 1738 (2006) of 23 December 2006 emphasizes that States have the responsibility to meet their obligation under international law to put an end to impunity and to bring to justice those responsible for grave violations of international humanitarian law.

In conclusion, my delegation would like to put particular emphasis on the need for all United Nations Member States complying with arms embargoes, because it is very often the violation of an embargo that fuels the action of rebel groups and other forms of terrorism.

The President: I shall now make a statement in my capacity as representative of Indonesia.

Let me join others in thanking the Secretary-General for his statement and his written report (S/2007/643). I should also like to preface our statement by expressing appreciation to Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, for his statement.

Every year, thousands of civilians fall victim to situations of armed conflict. Their plight should be a concern for all of us. It is our shared responsibility to alleviate the suffering of victims wherever it occurs. A humanitarian crisis caused by armed conflict can be broadcast online in a matter of seconds. That can be attributed in no small part to the role of the media in projecting and amplifying such strong images into our private spheres. However, it often takes more time and further effort before needed assistance can be funnelled in time and in line with the needs of civilians in such precarious circumstances. Thus, as the Council, we should offer guidance on both ways in which assistance can be provided to victims and steps to be taken against those who deliberately disregard human life and to discourage such actions in the first place. In addressing such actions, the Council would act in accordance with the fundamental principles of the Charter and international law.

Our efforts to stabilize any particular conflict situation are focused on political dialogue, negotiations and reconciliation processes. However, the plight of victims does not always receive full attention. Most often, civilians are the victims and the bystanders in war. As non-combatants, they do not choose to engage in the conflict taking place around them. While any loss of life in a war is regrettable, formal and informal laws of war have, throughout time, been intended to protect civilians. We believe that those who are innocent should be protected by the international community and that the perpetrators of illegal acts should be brought to justice.

The report of the Secretary-General (S/2007/643) made a valuable contribution by identifying various means of assisting victims of armed conflict. It also highlighted the plight of victims in various armed conflict situations. Indeed, it assisted us by presenting a well-rounded picture of the situation.

The impact of war on civilians goes far beyond targeting them as combatants; it includes the auxiliary effects of war, including physical displacement, disease, hunger and the wreckage and death wrought by the placement of anti-personnel landmines on civilian territory. Efforts to combat those ills and to ensure respect for basic human rights can include a range of measures, including the timely delivery of food and medical support, rehabilitation and advocacy to victims.

We consider all acts against relief workers, humanitarian aid convoys and others engaged in providing humanitarian assistance to the population to counter the effects of war to be deplorable. The deliberate targeting of such individuals is a crime, and we invoke the relevant international laws, including the 1994 Convention on the Safety of United Nations and Associated Personnel and its Optional Protocol, for that purpose.

In the twenty-first century, the number of civilian deaths in wartime has been growing, and the dynamics are complicated by the role of non-State actors. Civilians are deliberately targeted in many conflicts, which runs counter to international norms on the laws of war and human rights and draws condemnation from the international community. Such practices must be stopped.

Non-State actors pose additional problems, because they are difficult to identify and apprehend. Non-State armed groups pose special challenges for penalty and law enforcement. In the case of non-State actors such as terrorist groups, there should be equal protection for civilians through penalties on individuals through enforcement of international law, in addition to the punishment that they receive for their activities as a group. My delegation condemns civilian casualties brought about by any terrorist act.

Let me reiterate that the protection of civilians is a universal and timeless issue. Generation after generation has envisaged effective measures to protect civilians from the looming danger of armed conflicts. Our current discussion is part of that long and unbroken chain of efforts. Our effort requires togetherness; no one can claim this issue alone. This is an issue of humanity that binds us together, but it can be unravelled by our own narrow political objectives. We should avoid that trap, as well as the trap of engaging in a "blame game". We hope that by bringing this issue to the attention of the Council today, we will be able to reinvigorate it and to encourage the quest for new solutions to address it or to strengthen the existing mechanism.

The Secretary-General's report contained an array of recommendations aimed at furthering our common efforts that can contribute to the overall efforts of the United Nations system, international stakeholders and national Governments to address this pertinent issue. We believe that while the best protection from armed conflict is found in its prevention, in the absence of peace we must remain vigilant as to its impacts on the civilian population and must do our best to minimize human suffering and deaths.

Finally, our efforts should be focused on maintaining the current momentum by strengthening the United Nations system, working together with Member States and other stakeholders in a coordinated, coherent, comprehensive and cooperative manner. What is required is an approach that includes development and humanitarian dimensions, undergirded by political will on the part of States to ensure that civilians are protected in times of war.

I now resume my functions as President of the Security Council.

We will now hear a statement by Mr. Angelo Gnaedinger, Director-General of the International Committee of the Red Cross. I give him the floor.

Mr. Gnaedinger (International Committee of the Red Cross): Let me first thank you, Mr. President, and the other members of the Security Council for the opportunity to address the Council on the protection of civilians in armed conflict. That issue is at the heart of the mandate and the operational priorities of the International Committee of the Red Cross (ICRC).

The ICRC would like to congratulate the Secretary-General on his report (S/2007/643), which takes an incisive look at the protection of civilians in armed conflict. He presents a sobering picture, emphasizing the disparity between our collective aspiration to protect civilians and the harsh realities. The ICRC both shares his concerns and concurs with the priorities that he establishes.

On the basis of what the ICRC observes in the field, it must be stressed that, right now as we speak, hundreds of thousands of civilians are being driven from their homes. Many are killed at random or simply disappear. Protecting and assisting displaced people therefore constitutes the major part of ICRC field operations today, including measures designed to prevent displacement in the first place.

Despite recent initiatives, both at the operational level and in the realm of international legal norms, the world's response to scourges such as forced displacement, forced disappearances and sexual violence remains inadequate. The Secretary-General rightly points to the collective failure to tackle the issue of sexual violence, including in cases where rape is deliberately used as a method of warfare. The plight of rape victims still stands in stark contrast to the all-too-frequent impunity for their aggressors.

Likewise, the ICRC joins the Secretary-General in voicing humanitarian concern over the impact of cluster munitions. Such weapons have severe consequences for civilians both during conflict, owing to the large areas affected by them, and as explosive remnants of war long after the fighting has ended. The ICRC calls on States to immediately end the use of inaccurate and unreliable cluster munitions and to negotiate a new treaty of international humanitarian law to prohibit their use.

Private military and security companies are increasingly involved in activities that bring them close to the heart of military operations. We call on Governments to ensure that such companies operate in full compliance with international humanitarian law.

The ICRC would like to stress that today, international humanitarian law is as relevant as ever in armed conflicts. The main impediment to protecting civilians remains the lack of political will to make sure it is respected by all. Far too often, parties to conflicts disregard humanitarian law and deliberately target civilians. We are seeing a dangerous erosion of distinction and proportionality as the cardinal principles governing the conduct of hostilities. The ICRC believes that the fundamental values underlying these principles are timeless.

During the thirtieth International Conference of the Red Cross and Red Crescent, which is to convene in Geneva next week, the High Contracting Parties to the Geneva Conventions will be called upon to reaffirm the relevance and validity of those principles. Achieving the broadest possible support for and compliance with the law must be our priority. Article 1 common to the four Geneva Conventions clearly stipulates that States have an obligation to both respect and ensure respect for international humanitarian law in all circumstances. By means of Article 89 of Protocol I Additional to the Geneva Conventions, the High Contracting Parties have also committed themselves "to act jointly or individually, in cooperation with the United Nations and in conformity with the United Nations Charter", in the event of serious violations of international humanitarian law. States must employ all appropriate means, including political, legal, economic and security measures, to honour this commitment.

Security Council resolutions now indeed tend to incorporate protection of the civilian population as a standard aspect of peacekeeping operations. In this respect, it should be kept in mind that protection of civilians by United Nations peacekeepers implies a military and security dimension, which must be clearly distinguished from protection activities carried out by humanitarian actors.

For its part, the ICRC has a mandate under humanitarian law to remind all those using armed force — be they Governments or non-State actors — of their obligations under the law and to seek access to people affected by armed conflict. The ICRC's specific contribution to protecting civilians is thus complementary to protection efforts by other actors, in particular the many measures taken by the United Nations.

In practice, ICRC protection activities are at the core of a constant dialogue with all parties to conflict. Every day, hundreds of ICRC staff have contact with Government representatives, military officers and local authorities, as well as with leaders of armed groups, in order to preserve the life, health and dignity of civilians and detainees. Their protection needs can best be understood and addressed through direct contact and presence in the field. Only strict adherence to the fundamental principles of impartial, independent and specifically neutral humanitarian action enables the ICRC to maintain that dialogue and that access.

The ICRC is committed to being part of the collective effort to protect civilians caught up in armed conflict, a cause that unites us all. Our failure to act would be intolerable.

The President: I give the floor to the representative of Switzerland.

Mr. Maurer (Switzerland) (*spoke in French*): I thank the delegation of Indonesia for organizing today's open debate. We welcome the presence of the Secretary-General this morning, an encouraging signal confirming the Secretariat's commitment on this important issue. I congratulate him on his excellent report on the protection of civilians in armed conflict (S/2007/643), and thank the Under-Secretary-General for his briefing.

Switzerland fully endorses the report's emphasis of certain challenges, including the denial of access to civilians and sexual violence. We also welcome the practical and operational aspect of the report. We will support operational implementation of initiatives suggested by the Secretary-General.

The written version of my statement now being distributed focuses on compliance with international law, access, the group of experts on protection, sexual violence and the right to shelter, land and property — thus referring to the five actions proposed in the report of the Secretary-General. So as not to take up more time than we are given, I will limit myself to discussing three of these points.

First of all, the erosion in current conflicts of the principles of distinction and proportionality is disconcerting, and the indiscriminate attacks against civilian populations and humanitarian actors in the performance of their duties are inadmissible. It is the duty of the Security Council to remind all parties to a conflict that they are bound at all times to respect international law, and we call upon the Council to systematically do everything possible to demand that the parties to a conflict, as well as peacekeeping forces, respect international law, in particular international humanitarian law and human rights law. We feel very strongly that resolutions establishing peacekeeping missions, as well as all other types of missions, must insist on respect for these obligations.

Rigorous efforts to combat impunity for the perpetrators of violations are also implicit in respect for international humanitarian law. The International Criminal Court (ICC) has an important role to play in cases where national jurisdictions are unable to judge those who have committed the most serious international crimes. Once again, we call on all States that have not yet ratified the ICC Statute to do so as soon as possible.

My second comment has to do with the importance of unhindered access by humanitarian actors to civilian populations in armed conflict. It is important that the Security Council be fully informed of cases of obstruction to humanitarian assistance, and Switzerland supports the Secretary-General's proposal in favour of systematic reporting to the Council on situations where serious access concerns exist.

We call upon the Council to ensure that in its resolutions, parties to a conflict are required to guarantee rapid and unhindered access to civilians in need. The Swiss Government plans to hold a meeting of experts next spring, focusing on humanitarian access in conflict situations. We hope in that way to contribute to the efforts of the international community, and to propose innovative solutions that are in the interest of the victims and that respect the law.

Finally, questions relating to the protection of civilians in armed conflict must be better integrated in the discussion of mandates of peacekeeping missions, in efforts at mediation and conflict resolution and in other United Nations missions. We consider it essential that the Secretariat and the Council pursue a more systematic and structured dialogue on the key aspects of the implementation of Security Council resolution 1674 (2006). In this context, the establishment of an expert-level working group on the protection of civilians has received my Government's full attention.

In conclusion, I would like to note that the protection of civilians in conflict situations also depends on the capacity of the United Nations to enter into partnerships with regional organizations. It is with this in mind that a regional meeting organized by the Office for the Coordination of Humanitarian Affairs (OCHA) with the support of Switzerland and Canada was convened in Dakar in April 2007. We encourage OCHA to organize similar meetings to create awareness of these problems elsewhere in Africa, Asia, the Middle East and Europe.

The President: I now give the floor to the representative of Iceland.

Mr. Hannesson (Iceland): First of all, Mr. President, allow me to thank you for organizing this open meeting, and to thank the Secretary-General for his report on the protection of civilians in armed conflict (S/2007/643). The report reflects the same commitment to the issue which the Secretary-General has already shown through his visits to regions where some of the worst examples of brutality against civilians have been witnessed. The report is also to be commended because it does not avoid a direct description of the sort of brutality inflicted on civilians, or of the countries and regions where that is happening. I would also like to thank Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, for his briefing.

One of the positive developments in the discourse concerning security in recent years has been the refocusing on issues relating to the security of the individual. The development of the concept of human security since the early 1990s and the ground-breaking recognition of the responsibility to protect have given us conceptual approaches in tune with what the Secretary-General refers to as the shared fundamental values that make it imperative to recognize the inherent dignity and worth of every human being.

That places a heavy burden on the Security Council in particular in its work to maintain peace and security. Its work must include not only the prevention of conflict where at all possible and the resolution of conflicts that arise. The Council also has a role in addressing the very serious issues related to the

millions of civilians caught up in conflicts in which they are not combatants and over which they have no control.

The massive displacement of civilians by conflict not only imposes suffering on millions, it also makes much more difficult the re-establishment of peace following the conclusion of a conflict. Of particular concern at present is the growing number of displaced persons and refugees from the conflict in Iraq. Iceland will continue to make its contribution through the United Nations High Commissioner for Refugees to assist Iraqi refugees in neighbouring countries.

Iceland would like to welcome the Secretary-General's unambiguous comments earlier this year on the "atrocious inhumane impact of cluster munitions". Iceland will continue its support for the ongoing Oslo process towards a legally binding instrument of international law that prohibits the use, development, stockpiling and transfer of cluster munitions that cause unacceptable harm to civilians. That process clearly has added value to the certain conventional weapons track.

One of the most disturbing chapters in the Secretary-General's report concerns sexual violence. Although not exclusively inflicted on women and girls, they constitute by far the most vulnerable and numerous group of victims. As the report states, such violence, particularly where it is a systematic tool of war, is a grave war crime. The effect of such violence is not only that it inflicts tremendous suffering on individual women and their families but that it also destroys the fabric of societies and communities, making recovery and peacebuilding far more difficult if peace is regained. In that context, we welcome the adoption by the Third Committee of the draft resolution on eliminating rape and other forms of sexual violence in all their manifestations, including in conflict and related situations.

Rape is not an inevitable consequence of war; it can be prevented. Effective measures to reduce impunity are essential to signal to all those envisaging the use of such methods that the international community will not tolerate such crimes. The International Criminal Court and other tribunals provide the tools for decreasing impunity. As has been observed by many experts, sexual violence is not only the product of conflict. Indeed, sexual violence is incipient in all societies. It is therefore the duty of all States to look to their own legislation as well.

Providing assistance to victims in the form of medical help, counselling and protection against further aggression must also be provided. Iceland has concentrated its efforts in recent years on resettling women from Colombia at risk of sexual violence.

Iceland is a strong supporter of the United Nations Trust Fund in Support of Actions to Eliminate Violence against Women and has contributed to it for years. In 2008 Iceland will double its contribution to the Fund, thereby confirming our commitment to fight against violence against women.

The President: I now give the floor to the representative of New Zealand.

Ms. Banks (New Zealand): Thank you, Mr. President, for calling this open debate. New Zealand welcomes the latest report of the Secretary-General on the protection of civilians in armed conflict (S/2007/643), which provides an important assessment of developments and highlights challenges to the effective protection of civilians in contemporary conflict situations.

New Zealand is appalled by the number of civilians who continue to be the victims and targets in armed conflicts — from Darfur and Somalia in the Horn of Africa, to West Africa, Iraq, Afghanistan and the Middle East. It is a sad reality that the changed nature of contemporary conflicts has placed the safety and security of unarmed men, women and children at even greater risk.

In addition, the number of violent and frequently fatal attacks deliberately targeting humanitarian workers, most of them unarmed civilians participating in or supporting United Nations missions in the field, is simply intolerable. The safeguarding of humanitarian personnel remains a key challenge for the United Nations. Another concern for New Zealand is the rising number of journalists and media personnel killed or injured while reporting from areas of conflict.

The recognition in the report of the impact of armed conflict on older persons and persons with disabilities is also strongly supported by New Zealand.

New Zealand commends the steps taken so far to strengthen the normative framework for the protection of civilians. We welcomed the acceptance by leaders at

the 2005 World Summit of the international responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, including, potentially, through collective action under Chapter VII of the Charter of the United Nations. We were pleased by the reaffirmation of that language in resolution 1674 (2006). Looking ahead, we continue to support further operationalization of the concept. In that context, we welcome the appointment by the Secretary-General of a special adviser on the responsibility to protect within the office of the Special Representative of the Secretary-General on the Prevention of Genocide and Mass Atrocities.

We also welcome efforts to provide a more active role for peacekeepers to protect civilians through the mandates of Security Council resolutions — for instance, in resolution 1769 (2007), which established the African Union-United Nations Hybrid Operation in Darfur.

Despite some progress, much more needs to be done on combating impunity. We continue to be appalled at the high level of impunity that has been allowed to exist, which sends a message that the international community is not prepared to take action even when fundamental human rights are breached.

New Zealand encourages members to provide their full support to the International Criminal Court (ICC) by acceding to the Rome Statute. We also call on all United Nations Member States, especially States parties to the Rome Statute, to cooperate fully with the Court. Universality and our full support are crucial if we are to end impunity for the perpetrators of the most serious crimes against civilians, such as those carried out in the Darfur region of the Sudan, where ICC arrest warrants remain outstanding. We urge the Sudan to take measures to prevent further violations of human rights, ensure that perpetrators are brought to justice in accordance with international law and facilitate assistance to vulnerable populations.

We recognize that the greatest challenge in protecting civilians, as identified in the report, is humanitarian access. Facilitating the passage of humanitarian relief for civilians is required by international humanitarian law. The increase in deliberate attacks on humanitarian workers as part of efforts to prevent such access is an abomination. For that reason, New Zealand strongly advocated the conclusion of an optional protocol to the Convention on the Safety of United Nations and Associated Personnel. We signed the Optional Protocol in September last year and urge other States to do the same.

Perpetrators who deliberately prevent humanitarian access must be held accountable for their actions. Grave instances of denial of access, such as intentionally using starvation as a method of warfare, are war crimes and fall within the jurisdiction of the ICC. New Zealand strongly supports efforts aimed at raising awareness around serious access situations. The proposal for the Emergency Relief Coordinator to bring serious challenges to the attention of the Security Council is therefore a welcome initiative.

The use of sexual violence as a method of warfare is completely abhorrent and cannot be allowed to continue. Rape and other forms of sexual violence may be war crimes or crimes against humanity and within the jurisdiction of the ICC. We note that earlier this year the ICC Prosecutor launched an investigation in the Central African Republic in relation to alleged offences that includes many serious sexual crimes.

New Zealand remains deeply concerned about acts of sexual exploitation and abuse by United Nations peacekeepers and other United Nations personnel. These acts constitute an appalling breach of trust by those charged with the responsibility of protecting vulnerable people. New Zealand welcomed therefore the recent adoption by the General Assembly of amendments to the model memorandum of understanding with troop-contributing countries as one important part of the broader United Nations response to this issue.

We are strongly supportive of many of the practical concrete action points recommended in the report, which we hope will be instrumental in developing the tools and strategies necessary to help address the significant challenges that remain. Critical to the success of these actions will be the ability to keep these issues at the forefront of this Council's work.

The President: There are still a number of speakers remaining on my list for this meeting. I intend, with the concurrence of the members of the Council, to suspend the meeting until 3 p.m.

The meeting was suspended at 1 p.m.

United Nations S/PV.5781 (Resumption 1)

Security Council

Sixty-second year

Provisional

5781st meeting

Tuesday, 20 November 2007, 3 p.m.
New York

President:	Mr. Natalegawa	(Indonesia)
Members:	Belgium	Mr. Lammens
	China	Mr. Cheng Lie
	Congo	Mr. Okio
	France	Ms. Reliat
	Ghana	Mr. Tachie-Menson
	Italy	Mr. Mantovani
	Panama	Mr. Suescum
	Peru	Mr. Ruiz Rosas
	Qatar	Mr. Al-Kuwari
	Russian Federation	Mr. Zheglov
	Slovakia	Mr. Korbini
	South Africa	Ms. Lazouras
	United Kingdom of Great Britain and Northern Ireland	Ms. Johansen
	United States of America	Mr. DeLaurentis

Agenda

Protection of civilians in armed conflict

Report of the Secretary-General on the protection of civilians in armed conflict (S/2007/643)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

07-60635 (E)

The meeting resumed at 3.05 p.m.

The President: I wish to remind all speakers, as I indicated at the morning session, to limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Representatives with lengthy statements are kindly requested to circulate the text in writing and to deliver a condensed version when speaking in the Chamber.

Mr. Salgueiro (Portugal): Taking into account what you just said, Mr. President, and for the purpose of efficiency and to save time, I will have to shorten my statement today. The full text is being distributed.

I have the honour to speak on behalf of the European Union (EU). The candidate countries Croatia and the former Yugoslav Republic of Macedonia, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro and Serbia, as well as Ukraine, Moldova, Armenia and Georgia align themselves with this declaration.

First of all, I wish to thank you, Mr. President, for the opportunity to discuss this important issue. I would like to thank the Secretary-General for his report on the protection of civilians (S/2007/643), which, we believe, also underlines his personal commitment on this matter. Finally, I would also like to thank Under-Secretary-General Mr. John Holmes for his informative briefing.

Throughout history civilian populations have to a large extent suffered the consequences of conflicts. Even their deliberate targeting is, unfortunately, not a new phenomenon. The fact that such practices of gross violations of human rights and international humanitarian law are still a reality today is something that deeply concerns us.

The examples of the suffering of civilians that Mr. Holmes mentioned here today validate even further our fears and concerns. The Security Council has already signalled in resolution 1674 (2006) its readiness to consider threats to peace and security of this nature and, when and where necessary, to adopt appropriate steps.

While we renew our commitment to the important principles associated with the protection of civilians, we should not lose sight of the fact that the primary responsibility to protect lies with individual sovereign States, which should protect their respective populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

Two years ago at the World Summit, heads of State and Government reached an historic agreement on the responsibility to protect. The EU welcomes the reaffirmation of the responsibility to protect by the Security Council in subsequent resolutions, including 1674 (2006). The international community should encourage and help States meet that responsibility. If a State is unwilling or unable to address its problems, then we would have to make good on our responsibility to protect by more proactive means, as provided for at the World Summit.

Humanitarian access is a crucial part of protecting civilians in armed conflict and a fundamental prerequisite for humanitarian action. The European Union is disturbed by numerous cases of denial or obstruction of access and calls on all parties to cooperate fully with the United Nations and other humanitarian agencies and organizations in providing rapid, safe and unimpeded access to civilians in armed conflict.

We also strongly condemn attacks on humanitarian personnel, including United Nations and associated personnel. In that regard, we fully support the Convention on the Safety of United Nations and Associated Personnel and its Optional Protocol.

Women, children and other vulnerable groups are especially affected by armed conflict. Sexual exploitation and abuse remain widespread atrocities affecting millions of victims. In this regard, the EU highlights the effective implementation of Security Council resolution 1325 (2000) on women, peace and security. We also reiterate our full support to the policy of zero tolerance of sexual abuse and exploitation by United Nations personnel.

Millions of children continue to suffer in situations of armed conflict. In that connection, we would like to call attention to Council resolution 1612 (2005), which sets an enhanced framework for the protection of children in armed conflict. The European Union is proceeding with the mainstreaming of issues concerning children and armed conflict into its advocacy, policies and programmes and has continued with its efforts regarding the implementation of the European Union Guidelines on Children and Armed Conflict, adopted in April 2006. I would also like to

take this opportunity to recall the adoption, in February of this year, of the Paris Commitments and Principles against the illegal recruitment of child soldiers.

Still in the sphere of vulnerable groups, the EU shares the concerns highlighted by the Secretary-General in his report regarding the risks that conflicts pose for older persons and persons with disabilities. We would like to underline the importance of the recently adopted Convention on the Rights of Persons with Disabilities in this context.

The special protection needs of refugees and displaced persons also must be adequately addressed. The European Union acknowledges the efforts of the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, Mr. Walter Kälin, but remains concerned by the growing number of internally displaced persons worldwide. While those people seek protection abroad or in their own country, they sometimes remain in danger at their place of refuge. Camps themselves can be targeted and are often insufficiently protected. There is a need for increased and sustained physical protection in these situations.

We also note that steps to ensure the safe return for refugees and internally displaced persons can also prove useful in helping to address housing, land and property issues. The growing number of journalists being killed or taken hostage is also extremely disturbing. In that respect, we would like to call attention to Council resolution 1738 (2006) on the safety and security of journalists, media professionals and associated personnel. We also note the efforts of the United Nations Special Rapporteur on the right to freedom of opinion and expression in addressing this issue.

The excessive and destabilizing accumulations of small arms and light weapons are another element of concern. It would also be wrong to address the protection of civilians in armed conflict without raising the issue of cluster munitions and their humanitarian impact. The European Union played a constructive role in the recent meeting of the States parties to the Convention on Certain Conventional Weapons. While the result fell short of the EU's own proposal to negotiate by 2008 a legally binding instrument that prohibits the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians and that includes provisions on cooperation and assistance, the EU joined consensus on the decision because we consider that doing so will allow us to promote our own proposal, including in the expert negotiations that will take place in 2008.

The EU calls on Member States that have not done so to ratify and support existing conventions and resolutions forming the legal framework for the protection of civilians and to implement them fully within their national legal systems.

The EU believes that the investigation of crimes under international law committed against civilians and bringing their perpetrators to justice is vital. After all, there can be no peace without justice and rule of law.

The International Criminal Court (ICC), the international criminal tribunals and special courts, as well as reconciliation commissions, are working to end impunity, which is an essential task and can help prevent future abuses. The European Union views the International Criminal Court as an essential instrument for the prevention of genocide, crimes against humanity and war crimes, whose victims are mostly civilians. We therefore remain firmly committed to the effective functioning of the ICC. We also wish to stress the importance of full cooperation with the Court and call on States that have not yet done so to accede to the Rome Statute. Moreover, we would like to stress the importance of the work of the ICC Trust Fund in assisting the most vulnerable victims of genocide, crimes against humanity and war crimes.

Naturally, the best way to protect civilians in armed conflicts is to prevent conflicts. The Security Council plays an important role in that regard.

Finally, the European Union welcomes the Secretary-General's proposal to develop a more systematic approach in the Security Council to protecting civilians. The protection of civilians in armed conflict is a complex challenge, and perhaps increasingly so when we consider the asymmetric nature of many conflicts today. The European Union is fully committed to that challenge and, in cooperation with the United Nations, will continue its work for the promotion of peace and conflict prevention.

The President: I call on the representative of Angola.

Mr. Gaspar Martins (Angola): On behalf of the African Group, I wish to start by commending you, Sir, for convening this important meeting dedicated to a topic that constitutes one of the most challenging tasks

of our time: the preservation of the life and dignity of millions of civilians affected by armed conflicts.

Eight years after the issuance of the first report of the Secretary-General on the issue, our Organization has developed a deep understanding of the question, ranging from the identification of different features of temporary conflicts and the relevant international legal instruments to the necessary measures for the effective protection of civilians in armed conflicts.

In fact, the humanitarian architecture of the United Nations has sufficiently improved through, inter alia, the role played by the Office for the Coordination of Humanitarian Affairs and the United Nations High Commissioner for Refugees, and through the appointment by the Secretary-General of a Special Representative for Children and Armed Conflict, a Special Adviser on the Prevention of Genocide and Mass Atrocities, and a Special Adviser on matters relating to the prevention and resolution of conflict. The Secretary-General has also issued specific reports on children in armed conflicts containing concrete proposals.

The 2005 World Summit dedicated special importance to the protection of civilians, while the Security Council has adopted several presidential statements and resolutions, in particular resolutions 1674 (2006), 1265 (1999), 1296 (2000) and 1631 (2005). The process of United Nations reform has also produced bodies — the Peacebuilding Commission and the Human Rights Council — whose activities will also impact the lives of civilians in armed conflicts and post-conflict situations.

The African Group also takes note of the concrete actions proposed by the Secretary-General, while awaiting the reaction of the Security Council to those concrete proposals. It is our hope that the views of the Governments of the countries concerned will be taken into account in the search for feasible solutions, since the protection of their citizens is a prerogative of national Governments.

Such traditional actors as the International Committee of the Red Cross and other non-governmental organizations, humanitarian agencies, and organizations such as the International Migration Organization have also made a valuable contribution to relief field activities. Important steps have thus been taken in the identification of the problems and the instruments to address them. The challenge remains the strengthening and coordination necessary to facilitate the implementation of the decisions taken in order to effectively protect civilians in accordance with the principle of the neutrality and impartiality of humanitarian assistance.

We therefore welcome the efforts of the Secretary-General aimed at reinforcing the normative and operational framework for the protection of civilians. In that connection, we reiterate the importance of strengthening the role of the General Assembly as the organ which has the primary responsibility for providing policy guidance for United Nations humanitarian operations. We welcome the recent report of the Secretary-General of 28 October, contained in document S/2007/643, which is more than eloquent on the current situation, including the nature of contemporary armed conflicts and the diversity of the actors involved. The report clarifies the increasing role played by peacekeeping operations and regional organizations in the protection of civilians, as well as the progress made in the fields of a normative framework and the fight against impunity through international justice.

It is also our view that the Security Council should continue to consider the humanitarian impact of sanctions. In that regard, the recent report of the Secretary-General is unfortunately rather silent. Concerning refugees, the African Group is of the opinion that more concrete proposals are needed regarding actions aimed at enhancing assistance to host countries and communities.

The deaths of millions of civilians, whenever they occur, attacks against peacekeepers, sexual violence and other harmful conflict-related practices should be condemned. The African Group is fully supportive of ending impunity for those involved in atrocities against civilians.

Regarding sexual violence, Africa long ago took the lead in the condemnation of that dreadful practice by adopting, in Maputo in July 2003, a Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, in which African States committed themselves to

> "undertake to protect asylum seeking women, refugees, returnees and internally displaced persons, against all forms of violence, rape and other forms of sexual exploitation, and to ensure that such acts are considered war crimes,

genocide and/or crimes against humanity and that their perpetrators are brought to justice before a competent criminal jurisdiction".

We therefore welcome the important step taken by our Organization by the recent adoption of draft resolution A/C.3/62/L.16/Rev.2 on the elimination of rape and other forms of sexual violence. The interest of the African continent in the issue vindicates the active role played by the African Group during the consultations on the issue with interested delegations.

The Constitutive Act establishing the African Union stresses the responsibility of Member States to protect their citizens, while reserving to the African Union the right to intervene, including through multilateral military force, in respect of such grave circumstances as war crimes, genocide and crimes against humanity, or situations that pose a serious threat to legitimate order to restore peace and security in a member State. Furthermore, the African Union recognizes military intervention as the last resort, stressing non-military measures such as dialogue for the peaceful resolution of conflicts as a means to the best solution of conflicts.

We are clearly interested in seeing more progress in ensuring the protection of civilians in armed conflict. This open debate today seriously represents an important contribution towards this objective.

The President: I now give the floor to the representative of Japan.

Mr. Takasu (Japan): Japan welcomes the fact that the Security Council continues to pay utmost attention to the plight of civilians in armed conflict. We welcome today's open debate and thank Under-Secretary-General Holmes for his introduction of the report of the Secretary-General on the protection of civilians in armed conflict (S/2007/643).

There has been a decline in the number of conflicts being waged around the world, but far too many civilians continue to fall victim to brutality and degrading treatment. While reporting certain encouraging developments, the report of the Secretary-General provides us with the stark reality of civilians, particularly the vulnerable, being deliberately targeted for military attack and sexual violence in many conflict situations.

We are deeply concerned about increasing casualties among humanitarian workers due to deliberate attacks. We need to promote a humanitarian space in armed conflict. Humanitarian organizations, including United Nations agencies and the International Committee of the Red Cross, must be able to discharge their responsibilities to deliver essential services. To that end, it is of vital importance to ensure the security and safety of humanitarian workers. We call upon all parties engaged in armed conflict to comply with the relevant international humanitarian laws and stop attacking humanitarian workers.

I would like to underline three points today.

First, with regard to the recommendations of the report of the Secretary-General, we support the proposal to request reports from peacekeeping operations and other relevant missions on the steps that have been taken to ensure the protection of civilians, in response to the relevant Security Council resolutions, including 1674 (2006). First and foremost, we need to clarify precisely which concrete measures have been taken by each operation and how effective they have been. That basic information will afford us good opportunities to take effective action in the future. We need to respond and take remedial action on each specific situation, based on reliable information.

In order to make this process effective, in formulating and monitoring the mandates and activities of peacekeeping and other missions, the Security Council needs to use the Aide Memoire for the Consideration of Issues Pertaining to the Protection of Civilians in its daily deliberations; it is a practical checklist relating to the protection of civilians.

Secondly, I would like to address the issue of impunity. There is no doubt that perpetrators of crimes must be held accountable for their actions. Regrettably, however, in many conflict situations impunity prevails due to lack of action and often leads to a cycle of violence. The question is how to strike the proper balance between national reconciliation, on the one hand, and punishing those who have done wrong, on the other. This needs to be carefully considered, including its sequence.

Yet when we succeed in establishing the rule of law and proper judicial systems, we contribute greatly to durable peace and stability. Therefore Japan has taken initiatives in the field of international justice. We acceded to the Rome Statute of the International Criminal Court last month after completing all the

necessary ratification measures, and we are ready to work actively to ensure that the Court functions effectively and fulfils its objective.

With regard to the Khmer Rouge trials, the internal rules were adopted last June. To meet the costs of the trials, Japan has made a voluntary contribution of $21.6 million, representing 40 per cent of the total cost. Japan has also provided an international judge to the Supreme Court Chamber. It is our very strong hope that trials will proceed promptly and fairly and that they will result at long last in bringing to justice those who are guilty of committing atrocious acts.

Thirdly, I would like to underline the importance of controlling conventional arms. Japan is fully aware of the humanitarian problems caused by cluster munitions. In order to respond effectively and practically, it is necessary to develop a process in which all major producers and possessors can participate and both humanitarian and security objectives are met. We welcome the consensus reached at the Sixth Meeting of States Parties to the Convention on Certain Conventional Weapons in Geneva last week.

Also, Japan is of the view that an arms trade treaty is an important initiative, and we greatly need to bring about an end to irresponsible transfers through management of the arms trade.

Japan attaches great importance to the protection of civilians in armed conflict, especially because this is one of the highest priorities for promoting human security globally. By promoting human security, we are working towards a world in which all human beings will be protected against threats to their lives, livelihoods and their dignity. In the situation of armed conflict, more than in any other situation, every effort must be made to better protect the vulnerable in society, including refugees, internally displaced persons, women, children, the elderly and the disabled.

Japan, together with other interested delegations, has been taking initiatives such as providing assistance through the United Nations Trust Fund for Human Security and mainstreaming the human security concept in United Nations activities through the Friends of Human Security. Next year, Japan will host the Fourth Tokyo International Conference on African Development (TICAD-IV) in Yokohama. Under the theme "Towards a vibrant Africa", human security will be one of the three principal topics under discussion. Following TICAD-IV, this subject will be taken up further at the Group of Eight (G-8) Summit in July. The international community must do all it can to protect civilians who have the terrible misfortune of finding themselves caught up in the midst of armed conflict, and Japan will do its part.

I am grateful that the report of the Secretary-General reaches the same conclusion as the notion I have been advocating personally on many occasions over the years on how to measure the progress of United Nations activities. This progress is not measured by the number of reports, resolutions or guidelines, but by their tangible impact on the people on the ground who suffer from injustice and fear.

The President: I now give the floor to the representative of Israel.

Mr. Carmon (Israel): Mr. President, allow me to congratulate you on your able stewardship of the Council this month and to thank you for convening this important thematic debate. I also wish to thank the Secretary-General for his statement and to extend our compliments to Under-Secretary-General Holmes for the ongoing humanitarian work being carried out on the ground by him and by the Office for the Coordination of Humanitarian Affairs.

At the outset, however, it is important to fill in some of the missing pieces that, to our disappointment, were absent from the Under-Secretary-General's briefing this morning. He described the situation in the Gaza Strip as if there are only Palestinian hardships, but no Palestinian terrorism — the very reason for the closures and restrictions in the first place. It is impossible to refer to any situation giving only one side, and this is true for all conflicts in the world.

In our region, for example, just yesterday alone, there were three major security violations by Palestinian terrorists, one of which resulted in the cold-blooded murder of an Israeli citizen in the West Bank. When Israel raises concerns regarding its security, they are not theoretical. The threats to Israeli life from Palestinian terrorism are dangerous and lethal, and they demand that Israel take measures in self-defence — as any responsible Government would do.

That said, Israel works with the United Nations here at Headquarters and on the ground to ensure humanitarian access to civilians in need and will continue to do so.

My delegation takes note of the sixth report of the Secretary-General on the protection of civilians in armed conflict (S/2007/643). However, we wish to place on record our strong reservations and concerns regarding several elements in the report that, in our view, mistakenly portray certain rules of international law and offer a misguided picture of the conflict in our region. In the interest of time, I will be brief and thus refer delegations to the full statement that is being circulated. The statement can also be found on our Mission's website.

A snapshot of conflicts around the world reminds us of the growing threats to civilian life and security triggered by forces of extremism and instability. The report of the Secretary-General rightfully notes that terrorist groups

> "have resorted to strategies that flagrantly violate international humanitarian law, such as deliberate attacks against civilians, including suicide bombings, as well as hostage-taking and intentional placement of combatants and other military objectives amid civilian infrastructure" (*S/2007/643, para. 7*).

Regrettably, however, the report fails to describe that phenomenon for what it truly is: terrorism.

That blatant disregard by terrorists for the sanctity of human life is a brutal maliciousness we have seen even among their own populations. Abuse, manipulation and the endangerment of civilians are at the heart of the terrorists' modus operandi and tactics. In Lebanon, Hizbullah stored its rockets inside homes and launched attacks from positions nestled within the fabric of civilian life and in proximity to places of worship and hospitals. In the Gaza Strip, Palestinian terrorists firing Qassam rockets employ similar methods.

Additionally, in the Gaza Strip, we have witnessed violence against Israel accompanied by intra-Palestinian violence, with a deliberate disregard for the rights of civilians, including incidents of abduction, torture and execution, and attacks against hospitals and media institutions.

Regarding the report of the Secretary-General, I wish to comment specifically on three main issues of concern.

First, the principle of proportionality under international humanitarian law, as referred to in the report, has no clear definition. The principle raises a number of questions regarding its scope and application and, as correctly noted in the Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign Against the Federal Republic of Yugoslavia, "the answers to these questions are not simple".

The same Report notes further:

> "It may be necessary to resolve them on a case by case basis, and the answers may differ depending on the background and values of the decision maker. It is unlikely that a human rights lawyer and an experienced combat commander would assign the same relative values to military advantage and to injury to noncombatants".

Clearly, the language used in the report of the Secretary-General in addressing the issue of proportionality in armed conflict does not reflect a position widely held by the international community. Rather, the opposite is true: the principle of proportionality refers to an overall assessment of incidental loss of life or injury to civilians in relation to the goals of the military campaign.

Secondly, as called for in the report of the Secretary-General, the safety and access of humanitarian personnel must be ensured. Israel strongly supports the work of humanitarian agencies that provide essential services on the ground and stresses that their vital efforts must not be hampered.

However, we must also not ignore the fact that terrorists often abuse access privileges, which greatly endangers humanitarian workers and obstructs the movement of aid. Here, it is crucial to highlight that the closing of crossing points is invariably a result of rocket and mortar fire by Palestinian terrorists, supported by the illegitimate Hamas leadership in the Gaza Strip, against the very crossing points that are used to supply the Palestinians themselves with food and other essential supplies.

My delegation wishes to underscore that, under international humanitarian law, the right to free movement of humanitarian personnel is subject to military necessities and security considerations, among them the safety of the humanitarian personnel themselves and the need to prevent the abuse of humanitarian channels. In that regard, we find the

report's presentation regarding free access incomplete and legally questionable.

Thirdly and lastly, the issue of refugees in any situation of armed conflict is but one issue among many. That is equally true for the Israeli-Palestinian conflict. Israel and the Palestinians have already agreed to discuss that outstanding issue as part of the overall settlement of the conflict in its entirety. My delegation strongly feels that it is incorrect to isolate one issue in armed conflict and that doing so could entail prejudging an outcome that should be left for the parties to determine themselves.

The international community's vigilance in protecting civilians, particularly in cases where States are negligent, must not wane. Choosing to deal with those situations now could save the lives of countless civilians.

Israel recognizes that it is the duty of all States, first and foremost, to protect their own civilians from all harm. Equally important is the obligation of all States to ensure that attacks are not launched from their own sovereign territory. But the failure to hold terrorist groups accountable, as well as those States which provide safe haven and refuge for them, will only encourage the extremists to increase their abuse and manipulation.

The President: I now call on the representative of Senegal.

Mr. Seck (Senegal) (*spoke in French*): I would like to thank the Secretary-General for taking part in this debate and commend Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, for his detailed and instructive briefing.

My delegation aligns itself with the statement made earlier by Angola on behalf of the African Group.

The delegation of Senegal welcomes the initiative of having the Security Council take a fresh look at the protection of civilians in armed conflicts. Indeed, the initiative of this public debate enables us to follow up on the sixth report of the Secretary-General of October 2007, in which he strongly emphasizes that, when we cannot prevent an armed conflict, the protection of civilian populations is and must remain an absolute priority. That responsibility, he adds, is incumbent upon the United Nations, the Council and, first and foremost, all States.

A recent study by our Organization concluded that, during the 1990s, civilians represented 90 per cent of the victims of armed conflict, whereas during the First World War, the proportion was 5 per cent. That exponential growth in the number of civilian victims in less than a century's time concerns the international community as a whole, and shows quite clearly the need to undertake urgent, bold and coordinated action in order to put an end to it.

For that purpose, Senegal supports the five initiatives proposed by the Secretary-General in his report and appeals to all States to cooperate closely in implementing them.

My country concurs with the Secretary-General that humanitarian access and assistance to populations in distress represents critical challenge facing the Council and Member States, which must, in that connection, ensure a strict implementation of the norms of international humanitarian law.

It is particularly regrettable that both States in conflict and non-State actors are increasingly ignoring the principle of distinction underlying international law, which requires that warring parties distinguish between civilians and combatants and prohibits any attack against civilian populations. The same principle of distinction also prohibits the indiscriminate use of force and requires that the parties to conflict guarantee humane treatment to civilians who fall prey to the violence of war.

Despite those universally recognized basic principles, we see that civilians are being increasingly targeted by warring parties. Therefore, the question arises: is international humanitarian law not sufficiently well known, or is the punishment for such violations not enough of a deterrent? Clearly, more effective protection, which civilians — particularly the victims of conflicts — are entitled to expect from the international community, will depend on the response of the international community to that major concern.

In that connection, Senegal welcomes the advent of the international criminal tribunals and the International Criminal Court (ICC), which play a healthy deterrent role, besides issuing rulings in cases where odious crimes have been committed during national or international armed conflicts. However, the international community must guarantee the proper functioning of the international criminal tribunals and must also emphasize the promotion of greater

knowledge about the principles of international humanitarian law, which remains the basis for all activities aimed at protecting civilians in armed conflict.

The task of protecting civilians in times of conflict is all the more delicate today, because violations are being committed by some of the very people whom our universal Organization sends into the field to maintain peace. In our view, measures to deal with that phenomenon must be given priority in the recommendations that might emerge from these deliberations.

Keen to participate in the international effort to protect civilians and faithful to its commitment to protect and promote vulnerable and disadvantaged groups, Senegal is working at the subregional, regional and international levels to eradicate all forms of violence that could affect civilians during armed conflicts. That is why the Government of Senegal hosted a subregional workshop last April on the protection of civilians, organized by the Office for the Coordination of Humanitarian Affairs (OCHA). That meeting enabled subregional and regional organizations to exchange information and share their experiences, in order to consolidate the progress made in the area of protecting civilians and to propose measures likely to ensure better coordination of the action taken by various actors in conflict areas.

That workshop, like others held in other regions of the world, gave us the opportunity to raise the awareness of all actors and further mobilize them regarding the urgent need to do everything possible to eradicate, or at least reduce, all forms of suffering and offences endured by civilian populations in conflict situations. The experience of those regional workshops reinforces our conviction that educating and raising the awareness of all actors, including peacekeeping forces, remain the best means of prevention in combating abuse and violations against civilians.

For that reason, Senegal would like to support the Secretary-General's recommendation aimed at setting up a working group comprising experts mandated to facilitate the consideration and analysis of issues related to the protection of civilians, which already form part of the mandates of United Nations peacekeeping missions.

In conclusion, I should like to commend the courage and the sense of responsibility of the members of humanitarian organizations, who are working tirelessly to protect civilians in armed conflicts. However, their activities, which must always be based on neutrality and independence, cannot replace the primary responsibility of States and the international community. The Security Council, which is the guarantor of international peace and security, must ensure that United Nations action in this area arrives on time and continues until the risks to civilians are under control or even eliminated.

The President: I now call on the representative of Guatemala.

Mr. Skinner-Klée (Guatemala) (*spoke in Spanish*): I wish to thank your delegation, Mr. President, for its initiative to organize this open debate on the protection of civilians in armed conflict. The topic is extremely important, not only for the Security Council, but also for the United Nations system as a whole.

My delegation wishes to acknowledge the valuable report submitted by the Secretary-General (S/2007/643), as well as the briefing made by Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, whose information and proposed measures will help to strengthen our collective ability within the United Nations to protect civilians in armed conflict — people who are vulnerable and deserve our immediate attention. We must bear in mind that the primary responsibility for protecting civilians rests with States, which must, in turn, request international aid if they cannot provide such protection.

Having taken note of the conclusions and key actions identified in the Secretary-General's report, my delegation wishes to comment on their possible implementation and importance.

First, regarding the conduct of hostilities, it remains imperative that we raise awareness about the fact that full respect for civilians and international humanitarian law must prevail among armed groups, other non-State actors and civil society. It is very advisable to include that essential premise in resolutions authorizing United Nations peacekeeping missions; it is a message that should be widely disseminated. All our efforts must focus on strengthening existing norms and on applying them more effectively. In that connection, we also support the recommendation that reports be requested from peacekeeping missions and other relevant missions on

measures and modalities adopted to ensure the protection of civilians during hostilities within their areas of operation.

Secondly, the issue of sexual violence has been a high priority for the Organization. In recent years, there has been significant progress in the areas of standards of conduct, investigations and the accountability of personnel serving in United Nations peacekeeping missions. However, sexual exploitation and abuse continue to be perpetrated primarily by irregular armed groups, and these acts claim thousands of victims. Women, children and other vulnerable groups are particularly victimized by armed conflicts.

We believe that this is a multidimensional issue, and we have identified three main areas in which we can work to put an end to this type of violence. Those three areas, in which active work is being carried out within the Organization, are prevention, the implementation of measures and recovery, including assistance to victims.

With respect to the measure calling for the inclusion of complete information concerning sexual violence in a specific annex to all reports submitted to the Security Council, we recommend that such information be submitted after due process has been carried out and completed. That would enable us to consider and assess the Organization's actions at every stage of the mission, including the steps taken up to the completion of a trial that would show whether the accused was guilty or not. Furthermore, we believe that such information should also be considered by the Special Committee on Peacekeeping Operations and its open-ended working group. Another suggestion would be for the Office for the Coordination of Humanitarian Affairs to submit regular reports to the Security Council every time a mission's mandate is renewed.

Regarding the recommendation that serious cases of rape and other forms of sexual violence be referred to the International Criminal Court, we wish to point out that we must be mindful of the principle of legality. We must recall that the Security Council is not a legal entity, but a political entity responsible for the maintenance of international peace and security, although it could, as a result of information received, denounce extreme violence. Similarly, we would caution against the imposition of selective sanctions, which could jeopardize the progress made by the Council last December with regard to the imposition of just and transparent sanctions in accordance with due process.

Thirdly, we should like to comment briefly on the topic of the right to housing, land and property. There is no doubt that we must create conditions conducive to the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons. If what is proposed here will help Governments to develop a registry system, we consider it a useful measure. What we cannot support is that mandates of United Nations peacekeeping missions include the authority to issue ownership documents, or that they interfere in rating situations of illicit confiscation and appropriation of land and property abandoned by refugees and displaced persons. Even though that certainly is a critical problem, it should be resolved jointly with the local authorities and in accordance with the legal system of the country in question.

Fourthly and lastly, we refer to the humanitarian consequences of cluster munitions. Civilians, in particular women and children, are the primary victims of gunfire and indiscriminate violence in populated areas. That happens mainly in cities, where the belligerents do not manage to distinguish — or are not interested in distinguishing — between combatants and the civilian population, or where they use methods of combat or types of weapons such as cluster munitions, which are completely disproportionate with respect to their military objectives.

We fully concur with the report of the Secretary-General on the need to put an end to the terrible humanitarian consequences of cluster munitions and the need for concerted international action for that purpose. Guatemala, which places a priority on the framework of the Convention on Certain Conventional Weapons (CCW), will continue to participate constructively in debates on this matter in different international forums in order to ban those weapons' excessive lethal effects.

Thus country has played an active role in the recent Latin American conferences on cluster munitions, which took place in Peru and Costa Rica this year. In those conferences we reiterated that cluster munitions cause unacceptable harm to the civilian population, in particular the most vulnerable groups. We also acknowledged the enormous damage to the comprehensive development of populations. Also, the international community was called upon to join —

aware of the importance of the Oslo process, which my country resolutely supports — that initiative, which is a complementary undertaking that does not ignore the efforts made in the context of the CCW Convention.

We hope that the results of the international conference on cluster munitions, which will be held in Vienna in December, will see substantial progress to reach consensus on an action plan to develop and implement a new instrument of international humanitarian law that could resolve all of the unacceptable aspects of cluster munitions.

We must ensure collectively that populations at risk have access at all times to the best protection possible, that those who continue their abuses be responsible for their actions and that the promotion, supervision and building of capacity yield tangible results and make a true difference in the lives of people. The Security Council and the entire international community will be judged according to their ability to protect the most vulnerable. That is a challenge to which we must respond immediately.

The President: I now give the floor to the representative of Austria.

Mr. Pfanzelter (Austria): Austria fully associates itself with the statement made by the Ambassador of Portugal on behalf of the European Union and would like to focus on two points.

My first point concerns cluster munitions. The humanitarian needs of civilians in armed conflict, as we all know, are manifold — shelter, food and medical supplies, just to name the most urgent ones. As if this immediate plight of conflict-stricken civilians were not enough, their suffering is too often prolonged by the horrendous effects of cluster munitions, which kill and maim civilians, particularly children, deprive communities of their livelihoods and prevent the return of refugees.

Austria is committed to the protection of civilians by striving for a ban on cluster munitions that cause such unacceptable harm to civilians. We also strive for the destruction of the stocks and for a prohibition of the transfer of such munitions. Our goal is to enable the swift and efficient clearance of affected areas and to assist the victims of these weapons. We are also convinced that any new instrument on cluster munitions needs to contain clear and robust provisions on assistance to victims of this weapon.

Last week we all heard the clear and unambiguous appeal of Secretary-General Ban Ki-moon to the Meeting of the High Contracting Parties to the Convention on Certain Conventional Weapons (CCW) to conclude a legally binding instrument. This instrument would prohibit the use, development, production, stockpiling and transfer of cluster munitions that cause unacceptable harm to civilians. Austria welcomes the appeal of the Secretary-General.

Our resolve to ban this category of heinous weapons is reflected in Austria's national and international initiatives. Austria has already adopted a moratorium regarding cluster munitions, in February.

Austria is a firm supporter of the Oslo process and is committed to concluding a legally binding instrument by 2008. Such an instrument would, as I have already mentioned, prohibit the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians. It would also establish a framework for cooperation and assistance that ensures adequate provision of care and rehabilitation to survivors and their communities, as well as clearance of contaminated areas, risk education and destruction of stockpiles of prohibited cluster munitions.

We have been disappointed by the outcome of the recent Meeting of States Parties to the CCW Convention, which did not contain a clear and comprehensive mandate for the creation of such a legal instrument. That is why, as has already been mentioned, the upcoming Vienna conference on cluster munitions, from 5 to 7 December, will be vital in bringing us a step closer to our common goal of such a legal instrument by 2008. The Vienna conference will focus on the fundamental humanitarian objectives of a legally binding instrument. It will also provide for the participation of parliamentarians and civil society representatives.

My second point concerns anti-personnel mines. This is another issue where the protection of civilians during and after armed conflicts needs sustained support from the international community. The tenth anniversary of the adoption of the Mine Ban Convention — the Ottawa Convention — serves as an opportunity to look at what we have achieved so far. It should even more reignite our fervour to contribute to the full implementation and universalization of that Convention.

In this spirit Austria will continue its work for the mine-ban process, particularly in the field of victim assistance, mine-risk education and support for the clearance of mine-affected areas in order to help and protect civilians from the tragic consequences of armed conflict.

The President: I now give the floor to the representative of Nigeria.

Mr. Aniokoye (Nigeria): My delegation would like to begin by expressing its gratitude to you, Mr. President, for convening this important debate on the protection of civilians in armed conflict. The Council discussed this subject only five months ago. My delegation is therefore receptive of this debate and the opportunity it affords to refocus attention on the enduring plight of civilians in situations of armed conflict.

I should also like to thank the Secretary-General for his latest report (S/2007/643), which succinctly examined the subject in its evolving ramifications. Likewise, I thank Under-Secretary-General John Holmes for his informative briefing.

My delegation is concerned that, despite the decline in the number and intensity of conflicts globally, and on the African continent in particular, the ambit of threats to civilians keeps expanding. Today, civilians are not just casualties caught in the crossfire of vicious battles, they are specifically targeted, with an unprecedented number of them being women and children. The increasing number of non-combatants, including journalists and humanitarian aid workers, are now the victims of abduction, dubious military strategies, suicide attacks and sexual violence. That situation worsens the general milieu of fear arising from the social, economic and cultural dislocations created by conflicts. It is inhuman, to state the obvious, that among the heavy tolls that conflicts impose on civilians is the denial of access to medical care for the infirm, the aged and people with disabilities.

More than ever, the challenges of protecting civilians in armed conflicts have expanded and become more daunting. My delegation therefore believes that the time has come for the international community to re-examine when it is its responsibility to protect, without prejudice to the sovereignty of Member States. Genocide, ethnic cleansing and crimes committed against unarmed civilians in situations of conflict are grim reminders that the time is right for the international community to determine when to exercise its responsibility to protect.

It is in that regard that Nigeria welcomes the increased capacity of the African Union to forestall and resolve armed conflicts and to protect civilians in war situations through its Peace and Security Council. We equally welcome the valuable extension of logistical support from the United States of America and the European Union for the African Union's peacekeeping operations in the Darfur region of the Sudan.

We appreciate the renewed United Nations-African Union partnership aimed at identifying specific cases in which the United Nations could assist the African Union response to capacity-building requirements, including the capacity for monitoring the conduct of parties to conflicts.

Condemnations by United Nations Member States of rape and sexual assaults on women, as well as the anguish often expressed by human rights advocates at the enlistment of child soldiers for combat, are authentic and beneficial means of protecting civilians in situations of conflict.

My delegation believes that the expansion of the scope and definition of war crimes and crimes against humanity to include rape, enforced prostitution, trafficking, enslavement and torture has resulted in an increase in the number of persons brought before international tribunals for acts committed against civilians in the course of armed conflicts.

In order to strengthen the laudable initiatives to which I have referred and which have already been embarked upon by the international community to bring relief to hapless non-combatant victims of war, my delegation to urge States that have not done so to adopt, ratify and/or codify in their national laws the various conventions and protocols on the law of armed conflicts and to ensure the implementation of their provisions. That calls for a more results-oriented strengthening of legal frameworks and mechanisms for monitoring and reporting attacks against civilians by both States and non-State actors.

My delegation wishes to reiterate its belief that conflict prevention is the surest way to protect civilians. Practice has shown that it costs less to prevent than to control conflicts. Within the West African subregion, for instance, Nigeria has been steadily coordinating initiatives with other Member

States of the Economic Community of West African States to bring about a peaceful resolution to conflicts within and among its member States and other States contiguous to Nigeria. It is in that respect that we call for the strengthening of the region's evolving security architecture. The region's zero-tolerance policy for military interventions in politics and the efforts to solidify its emergent democratic structures also need support as safeguards against conflicts.

Although the primary responsibility for protecting civilians lies with national Governments, the police, army, civil society and the private sector have roles to play. Additionally, the international community must continue to intensify its peacebuilding efforts and to assist regional organizations to overcome such protection concerns as insufficient resources, weak capacity of national institutions, dysfunctional social services and insecurity, which can affect the process.

Finally, my delegation fully associates itself with the statement made by the representative of Angola on behalf of the Group of African States.

The President: I now give the floor to the representative of Australia.

Mr. Hill (Australia): Australia thanks Secretary-General Ban Ki-moon and Under-Secretary-General for Humanitarian Affairs John Holmes for their presentations this morning on this very important topic. We also welcome the Secretary-General's recent report on the protection of civilians in armed conflict (S/2007/643), which is an important and valuable tool in our collective consideration of this issue.

The protection of civilians must remain an essential objective for the Security Council in the context of contemporary armed conflicts. The death and displacement of innocent men, women and children is an appalling aspect of all conflicts. However, the deliberate targeting of civilians is a particularly heinous aspect of so many contemporary conflicts, including in Afghanistan, the Democratic Republic of the Congo, Iraq, Somalia and the Sudan. Boys and girls recruited as child soldiers, civilians as unwitting targets of suicide bombers, families displaced from their homes, and sexual violence as a deliberate weapon of war are all an offence to humanity. The international community must condemn those atrocities and recommit to defeating them in all circumstances. Australia is committed to making every effort to ensure that civilian life is protected and that international humanitarian law and human rights law are upheld.

Beyond our efforts to avoid those atrocities, the international community must demand that parties to conflict allow and facilitate the rapid and unimpeded passage of humanitarian relief for civilians in need. In that regard, we welcome the strong mandates provided by the Council to both the African Union-United Nations Hybrid Operation in Darfur and the United Nations Mission in the Central African Republic and Chad to ensure the freedom of movement of humanitarian personnel and to protect civilian populations.

We must also do more to implement the principle of the responsibility to protect, as endorsed at the 2005 World Summit. That was an important affirmation of the responsibility of the international community to take action to prevent large-scale gross human rights abuses and genocide, and a clear and suitably constrained statement on the limits of sovereignty. Now we must develop a practical approach to implement the responsibility to protect.

To that end, Australia will become a founding donor of the new Global Centre for the Responsibility to Protect. The Centre will build a worldwide research network, develop strategy and help to coordinate advocacy to identify, prevent or respond to circumstances where populations are threatened. We also welcome the Secretary-General's intention to appoint Mr. Edward Luck as his special adviser for the responsibility to protect.

Australia would like to reaffirm the Secretary-General's call for Member States to cooperate fully with the International Criminal Court (ICC). If we are to ensure that the perpetrators of the world's most egregious crimes are denied safe haven, we must step up our collective efforts to promote the universality of the Rome Statute. In that regard, Australia urges those States which have not ratified or acceded to the Rome Statute to do so.

The ICC plays a crucial role in ending impunity for serious crimes. In January this year, the Court confirmed charges of war crimes against Thomas Lubanga Dyilo, a former Congolese militia leader. We await his trial, the first ever before the Court, which is due to start in March 2008.

Australia welcomes and commends the recent action by the Government of the Democratic Republic of the Congo to surrender Germain Katanga to the ICC. That provides a good example of the results that can be achieved with the cooperation of the situation country.

Australia joins the international community in calling upon the Government of the Sudan to cooperate with the Court. In particular, we urge the Government of the Sudan to take all steps necessary to arrest Minister of State for Humanitarian Affairs Ahmad Harun and militia leader Ali Kushayb, and to transfer them to the Court for trial.

As the Secretary-General pointed out in his report, a further key challenge is the need to eliminate the unacceptable humanitarian impact of certain types of cluster munitions. Explosive remnants of war, including unexploded cluster munitions, pose a serious humanitarian danger to civilians who must live among them long after the end of armed conflict. Australia welcomes the entry into force of Protocol V — which deals with explosive remnants of war — of the Convention on Certain Conventional Weapons. Australia joined the Protocol earlier this year, and we urge all States to join and implement this important instrument as soon as possible.

Australia also recognizes the pressing need to negotiate an international ban on those cluster munitions that cause unacceptable harm to civilians. In this regard, we are active and constructive participants in the Oslo process and the Convention on Certain Conventional Weapons. We believe that these processes can be complementary, with the same aim of negotiating a strong, viable instrument that includes the major producers and users of cluster munitions and that will make a real difference in protecting civilians in post-conflict situations.

We must build on the Secretary-General's recent report and maintain the momentum to keep these issues at the front and centre of our work. Collectively, we must ensure that populations at risk have access at all times to the greatest protection possible, that perpetrators of abuse are held accountable for their actions and that advocacy, monitoring and capacity-building deliver real results and make a positive difference in people's lives. The Council, and indeed the international community as a whole, will be judged on our ability to protect the most vulnerable. It is a challenge that we simply must meet.

Mr. Normandin (Canada) *(spoke in French)*: Mr. President, on behalf of the Government of Canada, I would like to thank you, first of all, for having taken the initiative of organizing this debate. I would also like to thank the Secretary-General for his report and Under-Secretary-General John Holmes for his briefing, and also to emphasize the contribution of the Director-General of the International Committee of the Red Cross.

Armed conflicts can have devastating consequences for individuals and communities. Forced displacement, deliberate and targeted attacks against civilians, abductions, denial of property and land rights and family separation occur all too frequently. This situation reinforces the importance of having an appropriate regime for questions of the protection of civilians.

Canada thinks that effective protection strategies are inextricably linked to broader peace and security considerations. In Afghanistan, for example, Canada recognizes that the protection of civilians cannot be guaranteed without a sustained and long-term investment in security and stability in all regions of the country. Our commitment towards those objectives remains steadfast.

We need to look no further than Somalia to understand that concerted international attention and action remain critical to protecting people at risk. Moreover, disturbing trends in Burma further reinforce our belief that the protection cannot be taken for granted when the principles underlying democracy and the respect for human rights are ignored.

In the face of such grim realities, the Council has demonstrated a resolute commitment to advancing the protection of civilians. Regular Council debates on a wide range of protection issues, combined with strong protection language in thematic and country-specific resolutions, serve as a testament to the Council's resolve. The Democratic Republic of the Congo offers an example of how a strong mandate for the protection of civilians and a willingness to implement that mandate on the ground can make a difference.

But important work remains to be done. The Council must be timely in its engagement and vigilant in its monitoring. It must demonstrate more consistently the political will to draw upon the full range of measures at its disposal. That includes periodic Council visits so that civilian protection

concerns can be addressed first hand, the strategic use of targeted sanctions where applicable, the effective implementation of early warning mechanisms and the use of force to protect civilians under imminent threat. Looking ahead, further Council attention on how to operationalize the concept of the responsibility to protect will also be important.

We welcome the emphasis that the Secretary-General has devoted to the issue of humanitarian access in his most recent report on the protection of civilians. Rapid, safe and unhindered access remains a critical challenge. In the Darfur region of Sudan, for example, access to the displaced and dispossessed is not guaranteed, and humanitarian workers are at risk.

The imposition of obstacles to humanitarian access, whether physical or administrative, is completely unacceptable from all points of view. To prove its commitment to the protection of civilians, Sudan must first show its willingness to bring to justice those responsible for crimes against civilians. Canada urges the Government of Sudan to take all steps necessary to cooperate with the International Criminal Court. We call on the Government to surrender the two indictees, namely, Minister of State for Humanitarian Affairs, Mr. Ahmad Harun, and militia leader, Mr. Ali Kushayb, to the International Criminal Court for trial.

(*spoke in English*)

Canada strongly supports the Emergency Relief Coordinator's commitment to developing a monitoring and reporting mechanism to facilitate more in-depth analysis of the causes and consequences of access constraints. However, this mechanism will be effective only if the Council demonstrates that it will act on the information received. We urge Council members to consistently and effectively address obstacles to humanitarian access. Where access is denied, those cases must be more systematically brought to the Council's attention. The Council must be willing to draw upon the full range of tools at its disposal to back up the decisions it takes.

Since 1999, the vast majority of Council-authorized peacekeeping mandates have included strong guidance on the protection of civilians. What is now required is a more systematic assessment of the lessons we have learned during that time, including on how protection mandates are mainstreamed in peace support operations. Only by learning from our past experiences can we address existing gaps in the implementation of protection strategies.

It is important that we be able to translate the will of the Council on protection issues into clear and robust operational guidance for military and civilian actors, including in situations where civilians are under imminent threat of attack. It is equally important that those who are being asked to enforce protection mandates receive the training required to fulfil that objective. Clearly, the Council will also need to work closely with regional organizations — such as the Economic Community of West African States and the African Union — which have a critical role to play in implementing protection mandates.

Finally, I wish to reiterate the importance of consistent engagement and follow-up by the Council. Despite successes in recent years, the Council remains selective on which countries it will engage. And when it does engage, and where troops have been deployed, the Council and the United Nations membership as a whole have not always undertaken appropriate and systematic follow-up to ensure that missions are adequately equipped and resourced to fulfil the protection tasks being assigned.

Canada strongly supports the Secretary-General's proposal to establish a Security Council working group on the protection of civilians. We would urge the Council to implement this recommendation without delay and ensure that the working group takes a proactive and results-oriented approach to its work.

When it comes to protecting civilians, there are no quick fixes. Efforts to ensure that clear guidance and adequate resources are provided to the United Nations and other missions on the ground remain critical. So too is a willingness by the Council to remain fully engaged and draw on a full range of tools at its disposal. Canada remains committed to working with international partners to translate our words into concrete and sustainable actions. Millions of crisis-affected people worldwide are counting on our collective will towards this end.

The President: I now give the floor to the representative of Liechtenstein.

Mr. Wenaweser (Liechtenstein): The protection of civilians is one of the most complex topics before the Council. The report before the membership today illustrates the diverse and wide-ranging challenges the

Council faces in addressing this topic. They cover almost the full spectrum of United Nations activities, with issues ranging from humanitarian assistance to disarmament. Concerns for the well-being and protection of civilians need, therefore, to be mainstreamed into the activities of the Organization, but in particular, into the decision-making of the Security Council, whose activities have the most direct impact on the situation of civilians in armed conflicts.

We support the recommendation in the report to establish a working group on protecting of civilians, provided that its mandate is to develop mechanisms to ensure that the issue of protection of civilians is mainstreamed into the decision-making processes of the Council. It must not, however, lead to a situation where the protection of civilians is treated as a niche topic, which would in fact be counterproductive.

The numerous topics of direct relevance to the protection of civilians have one thing in common: the central role of international law and its application. Many of the topics covered in the report reveal a glaring gap between existing standards of international law and the realities on the ground. It is quite clear that the situation of civilians would be far less dramatic if the existing norms of international law were applied and observed. This state of affairs is cause for great concern. We are not observing a continuous movement towards better observance of these standards, but in some instances, quite the opposite.

There is an ongoing erosion of the political will to implement international legal standards — among them, those of international humanitarian law. In this context, we wish to emphasize the need for private military companies to abide by applicable rules of international humanitarian law and insist that the primary responsibility for enforcing the implementation of these standards by these actors rests with the States that commission their services.

The phenomenon of sexual violence is a clear illustration of this gap. The recent past has brought about significant developments in the field of international justice in this respect. For example, the inclusion of gender crimes in the Rome Statute of the International Criminal Court (ICC) and landmark decisions of ad hoc tribunals, such as in the Akayesu case before the International Criminal Tribunal for Rwanda.

Meanwhile, sexual violence seems to continue unabated, including its most worrisome form of policies aimed at intimidating a civilian population. It is worth noting, in this respect, that two of the situations described in the report, the one in the Democratic Republic of Congo and the one in Darfur, fall under the jurisdiction of the International Criminal Court. In the area of sexual violence, impunity certainly plays an even more central role than in other crimes and is exacerbated by the well-known, dramatic underreporting of such crimes. We thus welcome the emphasis the Secretary-General's report places on the need for a more robust response to sexual violence. In addition to the specific measures mentioned in the report, the Council might want to consider stronger action in specific cases under consideration.

In the fight against impunity in general, the role of the ICC is clearly a central one. The Court is not only seized with a number of situations, its activities and mere existence also have a preventative effect. But the Court is an institution that was created by States and is owned by States, its independence notwithstanding. We therefore welcome the clear call of the Secretary-General for full cooperation with the Court. It is such cooperation that is indispensable to achieve success in the fight against impunity.

The Council has been seized with the protection of civilians for a number of years now. One of the highlights of the Outcome Document of the 2005 World Summit was the acceptance of the principle of the responsibility to protect. This decision was of historic magnitude, but it has not yet led to a watershed in the protection of civilians worldwide. It is important that we put this concept into operation and we support the Secretary-General's efforts in this respect.

We appreciate the fact that the Secretary-General is making this issue one of the priority topics of his tenure, but we also believe that more systematic work needs to be done by us, the Member States, in particular. The protection of civilian populations is, first and foremost, the task of the States on whose territories they reside. Given that the role of the Council is only complementary and only applicable after massive human suffering has occurred, United Nations efforts with regard to the responsibility to protect can usefully focus on strengthening national capacities.

Furthermore, the issue of the safety and security of civilians engaged as humanitarian or United Nations personnel needs more attention. Currently, Liechtenstein is one of only two countries financing the initiative "Saving Lives Together", which aims to provide better security for the United Nations, international organizations and non-governmental organizations in the field. We call upon other Member States, which are in a position to do so, to support this initiative as well.

The President: I call next on the representative of Norway.

Mr. Løvald (Norway): Norway welcomes the report of the Secretary-General on the protection of civilians in armed conflict and supports the conclusions and recommendations for action contained therein.

It is vital that all United Nations mandated peacekeeping operations be provided with a mandate that takes protection fully into account. Operations must be authorized to take all necessary action to protect civilians. That means that the potential consequences for civilians must be factored in the planning as well as the execution of such action.

Effective protection of civilians requires close cooperation among a broad range of actors, including the military, the police, as well as human rights, development and humanitarian workers. An integrated approach is key to ensuring that all parties work together to maximise protection. Integration must be based on a common strategic plan and a shared understanding of priorities. Further, in order to make a real difference, the local community needs to have ownership of the strategy and the goals of the operation.

Norway is deeply concerned about the continued use of sexual violence as a method of warfare that each year destroys the lives of thousands of women and girls, as well as men and boys. The report by Under-Secretary-General Sir John Holmes to the Council in September on the situation in the Democratic Republic of the Congo was, indeed, alarming.

The response by the Security Council to sexual and gender-based violence in situations of armed conflict must be intensified. It is totally unacceptable that United Nations officials should be inactive witnesses to such atrocities, or even worse, be participants in such acts.

Norway supports the proposals for action in the report of the Secretary-General, including the need to report such crimes to the International Criminal Court not mentioned again and to consider sanctions against Member States and non-State actors that perpetrate such crimes. Further, we support his recommendation to establish ad hoc judicial arrangements to address sexual violence in the Democratic Republic of the Congo and in other situations where impunity prevails.

A key challenge is the need to eliminate the immense humanitarian impact of cluster munitions. Reports indicate that 98 per cent of the victims of cluster munitions are civilians. This is the reason why the Norwegian Government initiated an international process aimed at prohibiting cluster munitions. The first Conference on Cluster Munitions took place in February this year and resulted in the Oslo Declaration, which is supported by some 80 States. The aim is to ensure an end to the use of cluster munitions and to secure adequate assistance to affected peoples and communities.

The President: I call on the representative of Nepal.

Mr. Acharya (Nepal): On behalf of the delegation of Nepal, I appreciate the opportunity to discuss the protection of civilians in armed conflict in the open debate of the Security Council. We commend the comprehensive report of the Secretary-General on that subject and thank the Under-Secretary-General for Humanitarian Affairs for his presentation this morning.

The protection of civilians in armed conflict poses a huge humanitarian challenge to and imposes a moral responsibility on the international community and the States Members of the United Nations. We appreciate the increasing engagement of the Security Council on that important issue. We think that resolution 1674 (2006) provides a strong basis for an agreed framework for the protection of civilians in armed conflict, and that process needs to be augmented through periodic debate such as today's. The Council's resolutions 1612 (2005) regarding children and armed conflict and 1325 (2000) on the role of women in peace and security are welcome developments with regard to the protection of civilians in armed conflict.

We support the inclusion of a requirement of compliance with human rights and international humanitarian norms in all peacekeeping missions. We welcome the incorporation of protection of civilian

provisions in the mandates of peacekeeping missions, especially in Darfur and Chad.

We fully agree that the primary responsibility of protecting civilians in armed conflict lies with Member States, but the international community, humanitarian actors and the Security Council can play meaningful roles when Member States are either incapable or unwilling to do so. It is essential that the principle of national sovereignty and the norms of international law, particularly humanitarian law, be fully adhered to in the protection of civilians in armed conflict.

My own country, Nepal, has seen the suffering of innocent civilians during the armed conflict that lasted for more than 10 years. The Comprehensive Peace Agreement signed between the Government of Nepal and the Communist Party of Nepal (Maoist) in November 2006 provides for the protection of innocent civilians affected by the conflict. It has provisions for the return of internally displaced peoples to their homes, the return of their land and property, and the rehabilitation of the victims of the conflict, including women and children. The peace agreement has special provisions for the protection of children affected by the conflict, mainly by way of separating them from armed cadres if found recruited and reintegrating them into society and their families. It also has provisions for the destruction of mines and other explosive devices deployed during the conflict, which pose a threat to innocent civilians.

In that regard, we appreciate the role of the United Nations Mission in Nepal for its support in the requested areas of the implementation of the Comprehensive Peace Accord, mainly in monitoring arms and armed personnel and electoral assistance. The Government of Nepal is seriously engaged in dialogue to resolve the remaining political differences, mainly on holding the elections to the Constituent Assembly as soon as possible. We hope that those and other developments in the peace process will pave the way for a better environment for the protection of civilians from the impact of armed conflict.

Nepal is committed to ending the environment of impunity that existed during the armed conflict. The Interim Legislature-Parliament is considering stringent legislation against disappearances. We are also in the process of establishing a national truth and reconciliation commission, which we believe will help heal our past and prevent a recurrence of similar suffering among innocent civilians.

Nepal fully adheres to the principle that all human rights, international humanitarian laws and norms must be adhered to by all parties to protect civilians in armed conflict in all situations. We support the creation of a Security Council working group to deal with the issue of the protection of civilians in armed conflicts, but it should not overburden the Council and Member States with reporting obligations and other tasks. We cannot ask other missions, particularly special political missions, which are not mandated for the protection of civilians in armed conflict, to report on this subject, as suggested in the report.

We deplore attacks against humanitarian workers and peacekeepers in various field missions of the United Nations who are deployed to carry out tasks that include the protection of civilians. We call for even more comprehensive safety and security for the humanitarian, development and peacekeeping personnel of the United Nations in all situations.

We think that a more comprehensive framework is required, especially for a rapid response mechanism to protect civilians in armed conflict before it is too late, as we have often experienced. In that context, we think that the Council should engage the concerned Member States, non-State actors and the humanitarian agencies more proactively, and focus equally on taking measures in time through a better analysis of risks and preventive political and diplomatic action. The use of measures by the Council, including the deployment of peacekeepers or the authorization of force, should be used only as a last resort, taking into account the proportionality of the threat to innocent civilians and respecting the national sovereignty of Member States.

In conclusion, we pledge to work with the Member States to advance the work of the Security Council in the protection of civilians in armed conflicts.

The President: I call on the representative of Argentina.

Mr. Argüello (Argentina) (*spoke in Spanish*): The Argentine delegation would like to thank you, Sir, for convening this open debate on the protection of civilians in armed conflict.

We especially appreciate the report of the Secretary-General on the issue. It is a document that provides updated information on the implementation of resolution 1674 (2006) and on the strengthening of the legal framework for the protection of civilians.

My delegation also expresses its gratitude to the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Sir John Holmes, for his presentation to the Council.

Argentina attaches great importance to the question of the protection of civilians in armed conflict. It is a priority that represents a human, political and judicial imperative that recognizes the dignity and value inherent in all human beings. In that sense, my country had the honour to be a member of the Security Council when resolutions 1265 (1999), 1296 (2000) and 1674 (2006) were negotiated and adopted, providing the legal foundation for the subject on which this Council recommends ever increasing support activities for the protection of civilians to peacekeeping operations.

However, we observe with great concern the current reality that, both in internal and in international conflicts, civilians continue to die and be mutilated, violated or displaced, and are prevented from meeting their basic necessities. There has also been an increase in the number of journalists and media technicians who die or suffer injuries while reporting from conflict zones. We must also include the elderly and the disabled in that unfortunate scenario. We therefore consider it of utmost importance that States ratify the Convention on the Rights of Persons with Disabilities, since that norm requires all States parties to adopt all measures necessary to guarantee the security and protection of the disabled in conflict situations.

Argentina strongly condemns all atrocities committed against civilians and reiterates once again that no national security consideration can prevail over the primary obligation of States and parties to an armed conflict of observing the rules of international humanitarian law contained in the Hague and Geneva Conventions and their Additional Protocols.

As the Secretary-General informs us, progress has been made in the fight against impunity in the work of the International Criminal Court. We therefore deem it very important that all Member States cooperate fully with the International Criminal Court and other international mechanisms that fight against genocide, war crimes and crimes against humanity.

At the same time, my delegation appreciates and praises the work of the Office for the Coordination of Humanitarian Affairs and of the agencies of the system in the field of the protection of civilians, including refugees and the internally displaced, as well as women, children and other vulnerable groups in the framework of armed conflicts.

It is the responsibility of all States to protect their populations, and those of this Organization must adopt measures to prevent or alleviate the suffering of civilians in conflict zones.

Argentina reiterates the importance of ensuring that the mandates of peacekeeping, political and peacebuilding missions include provisions that address issues regarding the protection of civilians. Along these lines, regional organizations should assume a more relevant role, such as that indicated recently in the debate that took place in this Council on the role of regional and subregional organizations in the maintenance of international peace and security.

Lastly, we would be remiss if we did not point out that, in our opinion, the recent report of the Secretary-General offers a possibility to the Security Council and Member States to take full stock of the global situation in this area and to move forward with our normative work. We believe that the challenges involved therein are of particular importance, and the actions and measures proposed are geared towards guaranteeing more systematic and vigorous responses. These measures should contemplate and secure access, a fundamental requirement for the intervention and protection of the humanitarian sphere, and must also tackle sexual violence inflicted against women, boys and girls during conflict. Likewise, we should consider questions related to housing, land and property, which are inextricably linked with the establishment and strengthening of durable peace and the prevention of future acts of violence.

In conclusion, therefore, I would like to underscore the need for concerted action to put an end to the use of cluster munitions, whose humanitarian consequences, even after the conflict is over, cause unacceptable harm to the civil population.

The President: I now give the floor to the representative of Mexico.

Mr. Heller (Mexico) *(spoke in Spanish)*: Mexico would like to thank the Secretary-General for the sixth report on the protection of civilians in armed conflict, which includes important recommendations for strengthening the framework of protection that the Security Council could offer, as well as the United Nations system as a whole, to its activity on the ground.

We are concerned to see that, even though the number of conflicts has declined, the situations of armed violence are still a threat to the stability of some regions of the world and that civilians are still the target of indiscriminate attacks, in direct contravention of the obligations of States under international law. It is crucial to look for new tools and to follow up on the implementation of existing commitments in order to allow the Organization to find effective responses to comply fully with the task of safeguarding the human rights of individuals, as well as full respect for international humanitarian law.

The resurgence of the asymmetrical nature of modern conflicts imposes additional challenges on the protection of civilians in conflict. In this respect — and we would like to stress this — the growing participation of private security companies in these conflicts should not allow for exceptions to the rule that all parties to the conflict, regardless of their nature, have the duty to submit to the rules of conduct of hostilities and to respect the principles of distinction between military and civilian targets.

The adoption of a progressive approach in the conception of mandates for peacekeeping personnel is proof of the urgent need to protect civilians and proof of the capacity, adaptability and response of the Organization, such as shown in the implementation of Security Council resolutions 1674 (2006) and 1738 (2006) in regard to the mandates for the African Union-United Nations Hybrid Operation in Darfur and the United Nations Mission in the Central African Republic and Chad.

We hope that the study that is being carried out jointly by the Department of Peacekeeping Operations and the United Nations Office for the Coordination of Humanitarian Affairs with a view to reviewing the incorporation in mandates of references to the protection of the civilian population in armed conflicts and the repercussions on the ground, could provide valid lessons for future mandates and deployments.

We concur with the Secretary-General that, like women and children, the elderly and persons with disabilities are the most vulnerable sectors of the population, most vulnerable to violence and extreme deprivation in times of conflict. In this respect, Mexico supports the call made by the Secretary-General for States that have not yet signed or ratified the Convention on the Rights of Persons with Disabilities to do so in order that it could enter into force as soon as possible. This measure would be a decisive step that would help to guarantee the security and the protection of persons with disabilities in conflict situations.

Mexico is convinced of the idea that, once all means for a peaceful settlement have been exhausted under the authority of the Security Council, the international community should be able to take the measures necessary to protect the civilian population from serious violations of obligations that stem from international law and international human rights law, in accordance with the section related to the responsibility to protect, coined in the 2005 World Summit Outcome Document.

The denial of access of humanitarian personnel to victims of conflict is a flagrant violation of international humanitarian law. For this reason, Member States must pay greater attention to this question in order to help such personnel deliver safely and in a timely fashion the assistance that is required by these affected populations. For Mexico, any transgression of this principle entails, owing to the very emergency and personal nature of the assistance in question, an attack on the very core of the protection of the individual recognized in human rights instruments, international humanitarian law and refugee law, and constitutes a violation of international law when the means to prevent such access are harmful actions, such as deliberate attacks on humanitarian personnel.

We await with interest the analysis of the United Nations Office for the Coordination of Humanitarian Affairs on the causes and consequences of actions to restrict access, a study that will make it possible to take better decisions and to adopt measures in this area. Likewise, we are convinced that sexual violence against women and children is one of the greatest challenges that the international community must face. Although we have seen significant progress in this area, as seen in the categorization of this crime as a war crime or a crime against humanity, there is so

much that needs to be done to guarantee that these crimes will not go unpunished, both nationally and within the framework of this Organization. The fight against impunity is a sine qua non prerequisite to protect civilians in armed conflicts and to smooth the way for lasting peace.

In this respect, Mexico acknowledges the added value that is provided by cooperation to achieve these ends, especially cooperation with the International Criminal Court, so that it can comply with its mandate of granting justice to victims of crimes under its competence. We join the appeal made by the Secretary-General for the Security Council to adopt the necessary measures to promote and facilitate cooperation with the Court. We believe it is necessary for such a framework of interagency cooperation to be complemented by a full implementation of the Rome Statute and article 17, paragraph 3, of the 2004 Relationship Agreement between the United Nations and the International Criminal Court when, having referred a case in the exercise of article 13 (b) of the Statute, the State has not cooperated with the Court.

Mexico acknowledges that the fight against impunity is extremely important; peacebuilding missions should place priority on efforts to rebuild institutions for the administration of justice, the rule of law and the prison system in order to guarantee the rights and fundamental freedoms of civilian victims of human rights violations during conflicts. In that respect, Mexico welcomes the fact that the Department of Peacekeeping Operations has established an Office of Rule of Law and Security Institutions. Closer coordination and cooperation between that Office and the Peacebuilding Commission is crucial, in our opinion.

Furthermore, Mexico welcomes the initiative of the Secretary-General to convene, under the so-called Arias formula, a meeting with the various relevant actors in order to consider the topic of the right to housing, land and property in countries in conflict. A meeting of that nature would make it possible to heighten the importance for Member States of considering the views of civil society in a question of extreme importance when it comes to protecting the rights of the civilian population.

Cluster munitions are weapons that, through their use, have been considered by a large part of the international community as extremely harmful and as having indiscriminate effects. Their use has led to serious humanitarian consequences among civilian populations and has resulted in a high number of victims over recent years. It is estimated that more than 30 States have been affected by the use of that type of weapon; their consequences extend over time and are an obstacle to sustainable development. We support the negotiation and conclusion of a legally binding instrument on cluster munitions, whether within the framework of the Convention on Conventional Weapons or the Oslo process. As we have pointed out, either process should consider the following aspects: victim assistance; clearance of affected areas; the destruction of stockpiles; international cooperation and assistance; and measures for national implementation, compliance, transparency and monitoring.

Mr. Le Luong Minh (Viet Nam): Mr. President, Viet Nam welcomes the organization by the Council, under your presidency, of this open debate — the second this year — on the issue of the protection of civilians in armed conflict. That reflects the Council's increased engagement on the issue, which, as assessed by the Secretary-General in his report before us today (S/2007/643), constitutes a positive development.

We note with appreciation the progress achieved in recent years in this regard. We welcome the efforts of the Office for the Coordination of Humanitarian Affairs (OCHA) in conducting a study on integrating measures into the mandates of peacekeeping missions to protect civilians, as elaborated in Council resolutions 1674 (2006) and 1738 (2006), and the impact of such measures on the ground. We expect the findings and conclusions of that study to be brought to the attention of Member States for further analysis.

During the Council's debate on the same topic last June, many Member States highlighted the role and contributions that regional organizations should and could make in the protection of civilians in armed conflict. We welcome the fact that representatives of several regional organizations attended the meeting organized by OCHA in Dakar in April 2007 to facilitate the formulation of policies on the protection of civilians and to promote regional support for such policies. At the national level, the efforts undertaken by many Member States to establish criminal jurisdiction over war crimes and crimes against humanity are meaningful steps forward.

My delegation joins others in commending the work of United Nations agencies in the field, in particular OCHA, in providing humanitarian assistance to civilians. My delegation, however, shares the observation of the Secretary-General, contained in his report, that considerable challenges remain. We are deeply concerned by the fact that, in many parts of the world where armed conflicts are raging, tens of millions of civilians are being killed, injured, assaulted, humiliated, ignored or in other ways treated inhumanely. The Deliberate targeting of civilians has become more widespread. The notion of permissible civilian casualties on the part of any warring party is unacceptable and must be rejected in clear terms.

In spite of the international community's strong condemnation of sexual violence, particularly in the context of armed conflicts, the situation on the ground is grave. While international humanitarian law and human rights law are being violated, the violators are not being or cannot be punished. Millions of civilians continue to be excluded from access to life-saving assistance.

We support the efforts to carry out a more in-depth analysis of the causes and consequences of access constraints and the further engagement of parties to conflicts in providing for and protecting humanitarian operations and channels. In that connection, it should be pointed out that, for access to be accrued, it must not be abused or exploited by any party in order to carry out acts of interference or violation of the sovereignty of States.

Another challenge mentioned in the report that should attract our attention is posed by cluster munitions, which continue to kill, injure or affect in different ways the lives of civilians, especially children, even long after armed conflicts have ended. In order to address the humanitarian impact of cluster munitions, it is important to raise awareness among conflict-afflicted populations and to help the States concerned to build capacity to deal with the problem.

Last but not least, the hiring by States of private military and security companies to perform functions, including those of interrogating prisoners and participating in combat, poses many legal questions relating to measures to ensure their compliance with international humanitarian law and human rights law and the responsibilities of the hiring States for these groups' violations of those laws. We support intergovernmental discussions on the issue, including those proposed by the Government of Switzerland, in cooperation with the International Committee of the Red Cross.

While supporting their humanitarian objectives, we are of the view that the actions proposed by the Secretary-General relating to the conduct of hostilities, sexual violence, access, housing and land and property rights should be further studied in detail to ensure their conformity with the fundamental principles of the Charter and international law and to ensure that no complications will arise in the process of their implementation. We wish to reaffirm our position that, in situations where they do exist, States bear the primary responsibility within their jurisdiction for the protection of their own populations. The proposal to establish a Security Council working group on the protection of civilians should also be examined carefully, taking into account the work being done by other United Nations bodies with a view to avoiding overlapping.

The President: I now call on the representative of Colombia.

Ms. Blum (Colombia) (*spoke in Spanish*): Permit me at the outset to congratulate you, Sir, on your work as President of the Security Council for the month of November and to thank you for convening this open debate on the protection of civilians in armed conflict. I also wish to thank Secretary-General Ban Ki-moon for his statement and to thank Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, and Mr. Angelo Gnaedinger, Director-General of the International Committee of the Red Cross, for their informative briefings.

Colombia has an irrevocable commitment to international humanitarian law. The current Government, through the democratic security policy, has achieved impressive results in the fight against scourges that threaten civilians and prevent them from enjoying their rights, such as the activities of illegal armed groups, drug trafficking and terrorism. We stress that, given those scourges, the primary responsibility for protecting civilians rests with the State.

The citizens of my country are supported by one of the continent's oldest democracies, which over the past five years has been strengthened and deepened in all its aspects. In that context, and with the understanding that international humanitarian

assistance must abide by the principles of humanity, neutrality and independence, Colombia values the work being done by the relevant United Nations organs to support national authorities. That work must be carried out in accordance with the priorities established by the national Government.

I should like to reiterate the observation, made by my delegation in other forums and on previous occasions, that it is important that the information prepared by the United Nations organs objectively reflect the reality of our situation and, particularly with respect to humanitarian issues, that the efforts and progress made by the Government in taking measures to protect civilians be adequately reflected.

In that connection, I should like to refer to the sixth report of the Secretary-General on the protection of civilians in armed conflict (S/2007/643), which states in its paragraph 6, "Overall, there are 2.1 million registered internally displaced persons in Colombia, though some estimate the total at 3 million". Although the first figure agrees with our official records, the second figure cited is significantly higher than the total number of persons who have registered in the country over the past 10 years, according to the only registration system that has existed in Colombia since 1997. That figure is between 7 and 10 times higher than the number of all people who received assistance, which is contained in the Global Report 2006 of the Office of the United Nations High Commissioner for Refugees and the proposed budget for 2007. The figure seems to be a general estimate for a longer period of time that does not take into account the number of families who have resumed their lives or the number of verified returns.

Although this issue was addressed in the Secretary-General's report, I should like to put it in context by referring to the progress made in preventing displacement, assisting and protecting victims and developing sustainable solutions for their social and economic stabilization. Colombia has progressive legislation and an assistance programme for displaced persons that is implemented in a decentralized manner. The programme's budget, which is coordinated by a presidential agency, has increased from $40 million to nearly $500 million a year. That amount will be maintained for the period 2008-2010, as provided by the national development plan.

Thanks to the democratic security policy and the mass demobilization of illegal armed groups, the number of new displacement cases per year has fallen by 44 per cent compared with the data for 2002. Approximately 82 per cent of the total number of households in the national registry of displaced persons have received emergency humanitarian assistance. In the area of social services, 232,000 displaced children and young people entered the educational system in 2006 with State support. The national vocational education service provided technical training to 234,000 displaced persons and offered occupational guidance to 201,000. Last June, 670,000 displaced persons were enrolled in the social security health system. Through the new network aimed at overcoming extreme poverty, 443,000 displaced families will gain access to State social services. By August 2007, 375,000 displaced families had been able to return to their places of origin with that programme's support.

Colombia has developed a benchmark system to measure the programme's impact on displaced households in terms of fundamental rights. Likewise, reparation for displaced persons is a priority in the activities of the national reparation and reconciliation commission, which was established within the framework of the process of demobilizing illegal armed groups.

In the same way, we have been able to enhance the capacity for State action and a State presence through the national police and civil authorities in all municipalities throughout the country. Five years ago, that situation was not guaranteed in 157 localities. Approximately 46,000 former members of illegal armed groups have been demobilized, out of an estimated total of 60,000.

Colombia believes that the concept of democratic security includes the State's obligation to protect groups of great significance for democracy. We have strengthened the special programme that today provides direct State protection to more than 6,000 people.

The dissemination of objective information regarding the situations of countries contributes to accurate analysis of their situations and to effective support on the part of the international community. Consulting with countries before reports are published by the United Nations system can contribute positively to that end.

In the past, my delegation has emphasized that it is important that the humanitarian system, in following the principles of transparency and objectivity — which must govern humanitarian affairs — maintain a clear distance from considerations of a political nature. Therefore, we are somewhat concerned by some of the recommendations made in the Secretary-General's report, because they delve into thematic issues that are outside the area of competence assigned to the Security Council in the Charter of the United Nations. It should be noted that, in the current circumstances, it is already quite difficult to draw a precise dividing line for carrying out the responsibility to protect.

While my delegation shares the serious concerns expressed by the Secretary-General in his report concerning serious crimes such as the use of sexual violence in armed conflict, we believe that the existing resolutions and the support provided by the relevant United Nations bodies provide an adequate framework for addressing that problem. Similarly, the consideration of issues such as the right to housing, land and property falls within the purview of the General Assembly and its specialized agencies. Suggesting that these issues, per se, become part of the agenda of the Security Council will only continue to crowd its programme of work and divert its attention to issues beyond its competence.

In this context, my delegation wishes to underscore the importance for the Security Council to adopt measures in a non-selective manner.

For the Government of Colombia, the protection of civilians and their enjoyment of their rights is one of its highest priorities. We consider of the utmost importance that international support in this area be in line with the sovereignty of States and that it be coordinated with national authorities according to the principles of humanity, neutrality, impartiality and independence. We trust that the decisions that the Security Council will eventually adopt will be guided by that course.

The President: I shall now give the floor to Mr. John Holmes to respond to the comments made.

Mr. Holmes: This has been a long debate and I shall try to be brief, given the lateness of the hour.

First of all, let me say that I am very grateful for all the comments we have heard today, the interest in this agenda and the concern for what often appears to be a deteriorating situation on the ground as far as protection of civilians is concerned. I also welcome the strong support expressed by many delegations for the centrality for this Council of the agenda on protection of civilians and a point made by the Secretary-General — its absolute priority.

Many speakers have also supported some or all of the practical initiatives we proposed — for example, on sexual violence, on cluster munitions and, in particular, on access, which encourages us to pursue the ideas and to try to turn them into the kind of actions which we seek to pursue in the future.

I will not try to respond to all of the detailed points that have been made by individual delegations, but in some cases we will pursue them with those delegations individually, for example, some of the legal points raised by the delegation of Israel, with which we have some difficulty.

Let me simply make one or two general comments. First, we have noted the calls for more systematic reporting by the Office for the Coordination of Humanitarian Affairs (OCHA) and by myself as the Emergency Relief Coordinator on the question of access. We welcome this idea and are, of course, ready to respond to it in whatever form — written, oral or both — will suit the Council in particular cases. We look forward to this increased engagement with the Council on access issues, particularly in situations where there are grave access constraints and the Council may feel a responsibility to focus on them. Of course, the acid test of this increased reporting and exchanges would be that they should produce some concrete changes on the ground in favour of those who are affected.

Secondly, we welcome the comments from several speakers in support of the recommendation that the report makes for the establishment of a working group of the Council on the protection of civilians. While recognizing that this support is not unanimous and that more deliberation and consultation are clearly needed, let me simply repeat that what we would like to see is a regular forum for timely and systematic consultation on concerns related to the protection of civilians, between the Council as a whole, OCHA and other relevant departments of the Secretariat. We see it as a forum that could relay — as I say, systematically and transparently — information, analysis and possible language on protection matters to all Council members

for their consideration. We think that would help to ensure more consistent application of resolution 1674 (2006), the aide-memoire and the other protection of civilians concerns, where it might be connected with the renewal of peacekeeping mandates or other relevant missions or the development of draft resolutions.

We see the working group is replacing the rather informal and ad hoc — and sometimes rather incidental and late — efforts that exist today in this respect. The idea is to make the exchange more systematic, more effective and leading to more results on the ground. We do not see it as necessarily setting a precedent for other areas. I recognize that that is a concern expressed by some delegations. We hope that all delegations will come to see the advantages of what we are proposing. We will pursue further discussions and contacts to that end.

Thirdly, I welcome the strong support from many speakers during the day on the vital need to comply more fully with international humanitarian law. It seems to me that reinforcing the implementation of international norms and the normative framework for protection is indeed a vital function for this Council and its resolutions, as so many of the speakers today have indeed highlighted.

In that context, it is of course vital that the highest standards are maintained by all those who are in the field to promote them, not least the humanitarian workers on the ground. That is why I fully support the call made by the representative of China to the effect that humanitarian workers should always be mindful of their responsibility to act in accordance with core principles of neutrality and impartiality. The Secretary-General, I myself and others have, for example, unequivocally condemned the conduct of one non-governmental organization acting irresponsibly and indeed criminally in Chad.

However, we should not regard that kind of behaviour as in any way typical of humanitarian workers on the ground, and we should remember that they are there to deliver assistance in often the most difficult and dangerous circumstances. Their presence is often the only way of providing some measure of protection to highly endangered civilians, through their presence and their ability to offer help and draw attention to what is happening in particular circumstances.

At the same time we need to ensure that those actions — helping the displaced, organizing safe firewood collection for women, or whatever it is that they are doing on the ground, and advocating the protection of civilians, which is part and parcel of modern humanitarian action as endorsed by this Council — are not somehow unjustifiably labelled as violations of local laws and traditions or regarded as in some way unacceptable political interference in internal affairs simply because they do not happen to coincide with the policies or attitudes of particular parties to a conflict. There are some important principles at stake here, as well as the safety and well-being of the committed individuals on the ground themselves. So we need to look at this with great care.

Finally, let me just thank you again, Mr. President, for the opportunity for this important, rich and indeed very well-attended debate. It encourages us to continue our work with other parts of the Secretariat to turn the words that we have heard today into actions on the ground, and to try to help the many innocent victims of the conflicts of the world. I thank all those who have participated in the debate.

The President: There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5.25 p.m.

United Nations S/PV.5782

Security Council

Sixty-second year

Provisional

5782nd meeting

Wednesday, 21 November 2007, 10 a.m.

New York

President:	Mr. Natalegawa	(Indonesia)
Members:	Belgium	Mr. Verbeke
	China	Mr. Liu Zhenmin
	Congo	Mr. Okio
	France	Mr. Lacroix
	Ghana	Mr. Yankey
	Italy	Mr. Spatafora
	Panama	Mr. Suescum
	Peru	Mr. Voto-Bernales
	Qatar	Mr. Al-Qahtani
	Russian Federation	Mr. Shcherbak
	Slovakia	Mr. Burian
	South Africa	Ms. Qwabe
	United Kingdom of Great Britain and Northern Ireland	Ms. Thompson
	United States of America	Mr. Wolff

Agenda

The situation in Bosnia and Herzegovina

Letter dated 5 November 2007 from the Secretary-General addressed to the President of the Security Council (S/2007/651)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

07-60821 (E)

The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Bosnia and Herzegovina

Letter dated 5 November 2007 from the Secretary-General addressed to the President of the Security Council (S/2007/651)

The President: I should like to inform the Council that I have received a letter from the representative of Bosnia and Herzegovina, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Prica (Bosnia and Herzegovina) took a seat at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2007/673, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

I wish to draw the attention of the members of the Council to document S/2007/651, which contains a letter dated 5 November 2007 from the Secretary-General transmitting the thirty-second report on the implementation of the Peace Agreement on Bosnia and Herzegovina. I also wish to draw members' attention to document S/2007/632, which contains a letter dated 25 October 2007 from the Secretary-General transmitting the eleventh report on the activities of the European Union military operation in Bosnia and Herzegovina.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall now put the draft resolution to the vote.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Belgium, China, Congo, France, Ghana, Indonesia, Italy, Panama, Peru, Qatar, Russian Federation, Slovakia, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1785 (2007).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Council will remain seized of the matter.

The meeting rose at 10.15 a.m.

United Nations S/PV.5783

Security Council

Sixty-second year

Provisional

5783rd meeting

Wednesday, 21 November 2007, 10.15 a.m.
New York

President:	Mr. Natalegawa	(Indonesia)
Members:	Belgium	Mr. Verbeke
	China	Mr. Liu Zhenmin
	Congo	Mr. Okio
	France	Mr. Lacroix
	Ghana	Mr. Yankey
	Italy	Mr. Spatafora
	Panama	Mr. Suescum
	Peru	Mr. Voto-Bernales
	Qatar	Mr. Al-Qahtani
	Russian Federation	Mr. Shcherbak
	Slovakia	Mr. Marton
	South Africa	Ms. Qwabe
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United States of America	Mr. DeLaurentis

Agenda

The situation in the Great Lakes region

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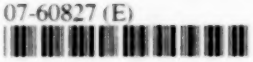
07-60827 (E)



The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Great Lakes region

The President: I should like to inform the Council that I have received letters from the representatives of the Democratic Republic of the Congo and Rwanda, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mrs. Booto (Democratic Republic of the Congo) and Mr. Nsengimana (Rwanda) took seats at the Council table.

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council commends the Governments of the Democratic Republic of the Congo and the Republic of Rwanda for their joint communiqué on a common approach to end the threat posed to peace and stability in both countries and the Great Lakes region, signed in Nairobi on 9 November 2007, which is an important milestone towards the definitive settlement of the problem of illegal armed groups in the eastern part of the Democratic Republic of the Congo.

"The Security Council expresses its appreciation for the efforts undertaken in this respect by the Secretary-General through the special mission carried out by Assistant Secretary-General Haile Menkerios and looks forward to a continuation of this involvement, including further consultations with the Governments concerned and regional and international partners.

"The Security Council recalls that the continued presence of illegal armed groups, in particular the Forces Démocratiques de Libération du Rwanda (FDLR), ex-FAR/Interahamwe and the dissident militia of Laurent Nkunda, is one of the root causes of conflict in the eastern Democratic Republic of the Congo and constitutes a threat to regional stability. The Council reiterates its demand that these groups lay down their arms and engage voluntarily and without preconditions in their demobilization, repatriation, resettlement and reintegration, as appropriate.

"The Security Council encourages the authorities of the Democratic Republic of the Congo and the Republic of Rwanda to implement fully their commitments in the Nairobi communiqué and to continue to cooperate to solve their common security concerns.

"The Security Council stresses its readiness to facilitate and support the implementation of these commitments, in particular through measures against additional individuals and entities, including the FDLR and ex-FAR/Interahamwe, as appropriate, pursuant to resolutions 1596 (2005) and 1649 (2005).

"The Security Council reiterates its full support to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) for its action on the ground, and encourages it to support, within its mandate and capabilities, the measures agreed by the Congolese and Rwandan Governments".

This statement will be issued as a document of the Security Council under the symbol S/PRST/2007/44.

The Security Council has thus concluded the present stage of its consideration of the item on the agenda.

The meeting rose at 10.20 a.m.